

ATTACHMENT I

Deposition of Ronald Lazenby

U.S. DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

* * * * *

LISA LAMBERT, *

Plaintiff *NO.:

vs *C.A. 96-247 - ERIE

SUPERINTENDENT, *

WILLIAM WOLFE, et.al., *

Defendants *

*

* * * * *

DEPOSITION OF

RONALD R. LAZENBY

JUNE 9, 1998

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<p>1 DEPOSITION</p> <p>2 OF</p> <p>3 RONALD R. LAZENBY, taken on behalf of the</p> <p>4 Plaintiff herein, pursuant to the Rules</p> <p>5 of Civil Procedure, taken before me, the</p> <p>6 undersigned, Shannon C. Hagerty, a Court</p> <p>7 Reporter and Notary Public in and for the</p> <p>8 Commonwealth of Pennsylvania, at</p> <p>9 Commonwealth of Pennsylvania, Department</p> <p>10 of Corrections, SCI-Cambridge Springs,</p> <p>11 Cambridge Springs, Pennsylvania, on</p> <p>12 Tuesday, June 9, 1998, at 2:30 p.m.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 I N D E X</p> <p>2</p> <p>3 WITNESS: RONALD R. LAZENBY</p> <p>4 EXAMINATION</p> <p>5 By Attorney Krakoff 7 - 147</p> <p>6 EXAMINATION</p> <p>7 By Attorney Love 147 - 154</p> <p>8 EXAMINATION</p> <p>9 By Attorney Halloran 154 - 155</p> <p>10 CERTIFICATE 156</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 5
<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ANGUS R. LOVE, ESQUIRE</p> <p>4 924 Cherry Street</p> <p>5 Suite 523</p> <p>6 Philadelphia, PA 19107</p> <p>7 COUNSEL FOR PLAINTIFF</p> <p>8</p> <p>9 JERE KRAKOFF, ESQUIRE</p> <p>10 1705 Allegheny Building</p> <p>11 Pittsburgh, PA 15219</p> <p>12 COUNSEL FOR PLAINTIFF</p> <p>13</p> <p>14 THOMAS HALLORAN, ESQUIRE</p> <p>15 Sr. Deputy Attorney General</p> <p>16 Litigation Section</p> <p>17 6th Floor - Manor Complex</p> <p>18 564 Forbes Avenue</p> <p>19 Pittsburgh, PA 15219</p> <p>20 COUNSEL FOR DEFENDANTS</p> <p>21</p> <p>22 ALSO PRESENT: Deputy Victoria L. Kormanik</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 E X H I B I T P A G E</p> <p>2</p> <p>3 PAGE</p> <p>4 NUMBER DESCRIPTION IDENTIFIED</p> <p>5 NONE MARKED</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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13 Q. Just very, very basically I'm
14 here to ask you questions. I'm here to
15 try to collect as much data and
16 information about not only these three
17 issues but also about, from a historical
18 perspective any other investigations,
19 allegations that may or may not have been
20 investigated of alleged sexual
21 improprieties between staff members,
22 which would include not only officers but
23 maintenance staff personnel and the
24 industries personnel, et cetera. And so
25 as I put a question to you I don't always

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21 A. I've been employed --- I'm in my
22 25th year of finishing up 25 years. I
23 worked at SCI-Cambridge Springs from
24 February of 1992, to October 1997. I am
25 now at the State --- the State Regional

<p style="text-align: right;">Page 10</p> <p>1 Correctional Facility in Mercer, PA.</p> <p>2 Q. Where were you before you came to</p> <p>3 Cambridge Springs?</p> <p>4 A. I came from SCI-Waynesburg. I</p> <p>5 worked there from February of '88, to the</p> <p>6 time I came in here which was February of</p> <p>7 '92.</p> <p>8 Q. All right. And then you were</p> <p>9 somewhere before that?</p> <p>10 A. Yeah, I started my career in</p> <p>11 December of 1973 until February of '88 at</p> <p>12 SCI-Pittsburgh. I was there, what, 14</p> <p>13 years, 15 years, something like that.</p> <p>14 Q. And did you make your way up from</p> <p>15 a CO eventually to a captain?</p> <p>16 A. Yes, I did.</p> <p>17 Q. Now, it's my understanding that</p> <p>18 at one time you were the Intelligence</p> <p>19 Captain here at Cambridge Springs?</p> <p>20 A. That is correct.</p> <p>21 Q. And when did you assume that</p> <p>22 position?</p> <p>23 A. It would be somewhere late March</p> <p>24 of 1995 until I left in October of '97.</p> <p>25 Q. I understand that you succeeded</p>	<p style="text-align: right;">Page 12</p> <p>1 people to shifts and stuff like that.</p> <p>2 Q. Now, before becoming Intelligence</p> <p>3 Captain, had you had any direct</p> <p>4 involvement in investigations at</p> <p>5 Cambridge Springs? And I'm not limiting</p> <p>6 it to investigations of alleged sexual</p> <p>7 misconduct on the part of staff members.</p> <p>8 A. Before I became Intelligence</p> <p>9 Captain? No, basically no. That would</p> <p>10 have been the --- at first it was the</p> <p>11 security lieutenant then the Intelligence</p> <p>12 Captain. No, it'd still be no.</p> <p>13 Q. Now, did you receive --- how much</p> <p>14 notice did you have that you were going</p> <p>15 to be appointed captain, intelligence</p> <p>16 captain?</p> <p>17 A. They brought me up here, I'd like</p> <p>18 to say, sometime late March, early April</p> <p>19 and just said it's your --- you know,</p> <p>20 you're going to be --- now be</p> <p>21 Intelligence Captain. Bartlett will be</p> <p>22 the captain of the guards.</p> <p>23 Q. So you switched positions</p> <p>24 essentially?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 11</p> <p>1 Captain Bartlett?</p> <p>2 A. That's correct.</p> <p>3 Q. Do you know who succeeded you?</p> <p>4 A. There was an acting Captain Beck</p> <p>5 took my place. That's my understanding</p> <p>6 it was.</p> <p>7 Q. Beck?</p> <p>8 A. Beck.</p> <p>9 Q. And he had been Lieutenant Beck</p> <p>10 at one point here at Cambridge Springs?</p> <p>11 A. Yes, yes. My understanding was</p> <p>12 he was an acting captain. He took my</p> <p>13 position when I left.</p> <p>14 Q. Now, at the time you were</p> <p>15 appointed to the position as Intelligence</p> <p>16 Captain, what had your assignment been?</p> <p>17 A. I was basically captain of the</p> <p>18 guard.</p> <p>19 Q. And just very generally what did</p> <p>20 your function as captain of the guard</p> <p>21 include? And I don't need a lot of</p> <p>22 detail.</p> <p>23 A. Yeah. Basically, I oversaw the</p> <p>24 lieutenants to make sure they were at</p> <p>25 their jobs and staff. And assigned</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. And how much --- you learned that</p> <p>2 one day and how much after that did you</p> <p>3 begin to function as the intelligence</p> <p>4 captain? According to what period of</p> <p>5 time?</p> <p>6 A. We had like a transitional</p> <p>7 period. Where he put me up to speed what</p> <p>8 he was, you know, what he was doing and</p> <p>9 told me to look over his files and stuff</p> <p>10 like that.</p> <p>11 Q. Did you receive any training</p> <p>12 either on the job or more formal training</p> <p>13 off site or on site in the nature of kind</p> <p>14 of classroom instruction?</p> <p>15 A. Oh, I'll go back. I have a</p> <p>16 degree in ---</p> <p>17 Q. We'll get to that.</p> <p>18 A. Okay.</p> <p>19 Q. But let me narrow it because that</p> <p>20 was too broad of a question. And then</p> <p>21 I'd like you to continue with what you</p> <p>22 were saying. With respect to the new</p> <p>23 position as intelligence captain, did you</p> <p>24 receive any training either on site or</p> <p>25 off site?</p>

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<p style="text-align: right;">Page 14</p> <p>1 A. No.</p> <p>2 Q. But I take it that you had some,</p> <p>3 what you consider to be some background</p> <p>4 to prepare you for that position?</p> <p>5 A. Any experience as you grow ---</p> <p>6 what 24 or what was it 23 years, you</p> <p>7 know, you pick it up watching other</p> <p>8 people do it.</p> <p>9 Q. Right. Okay. Now, after</p> <p>10 assuming your position, did you receive</p> <p>11 any training?</p> <p>12 A. I had to after. Some formal</p> <p>13 training, it would have been September,</p> <p>14 1997 and what I picked up from Special</p> <p>15 Investigator Mike Wolanin and I sort of</p> <p>16 --- he's the professional. And so when</p> <p>17 he came in to talk I would watch what he</p> <p>18 would do and we'd go over stuff, how he</p> <p>19 did things.</p> <p>20 Q. Now, did you, when Wolanin was</p> <p>21 conducting investigations at Cambridge</p> <p>22 Springs, in the course of those</p> <p>23 investigations, did you ever observe him</p> <p>24 while he interviewed either staff member</p> <p>25 or inmates?</p>	<p style="text-align: right;">Page 16</p> <p>1 you to be there during at least a portion</p> <p>2 of Wolanin's interrogation?</p> <p>3 A. No, it was not.</p> <p>4 Q. Could you summarize for me what</p> <p>5 your function was in connection with</p> <p>6 investigations of --- and I'm going to</p> <p>7 give you a definition so that you</p> <p>8 understand what I'm asking. I gave</p> <p>9 Lieutenant Bartlett the same definition.</p> <p>10 What I'm going to be asking you about are</p> <p>11 either allegations or investigations of</p> <p>12 alleged sexual abuse or sexual</p> <p>13 exploitation. And I --- when I'm asking</p> <p>14 about that, I'm asking about abuse and</p> <p>15 exploitation by a staff member which can</p> <p>16 include either a CO or somebody in the</p> <p>17 trades or ---.</p> <p>18 A. I'm confused but go ahead and</p> <p>19 I'll try to work with it.</p> <p>20 Q. Let me define what I mean by</p> <p>21 sexual abuse and sexual exploitation.</p> <p>22 This phrase encompasses activities such</p> <p>23 as the touching of breasts by Cambridge</p> <p>24 Springs personnel, buttocks, legs and</p> <p>25 other private parts of the body of an</p>
<p style="text-align: right;">Page 15</p> <p>1 A. Yes, I did.</p> <p>2 Q. Now, let me represent to you what</p> <p>3 Lieutenant, what I believe Lieutenant</p> <p>4 Bartlett told me and ask you whether your</p> <p>5 experience ordinarily differed from his.</p> <p>6 I asked Lieutenant Bartlett whether, when</p> <p>7 Mr. Wolanin was interviewing either</p> <p>8 witnesses or a person about whom</p> <p>9 allegations had been made, that it was</p> <p>10 Wolanin's practice not to have Lieutenant</p> <p>11 or Captain Bartlett in the room with him.</p> <p>12 Wolanin's practice, in Captain Bartlett's</p> <p>13 experience, was to conduct the interviews</p> <p>14 with Bartlett elsewhere, not inside the</p> <p>15 room. Now, I gathered from your response</p> <p>16 to my previous question that wasn't quite</p> <p>17 your experience; is that right?</p> <p>18 A. No, sometime --- what we'd do</p> <p>19 we'd start out, he'd do the interviewing.</p> <p>20 I would put my input into it. And if we</p> <p>21 got to a point where he felt my being</p> <p>22 there, he couldn't get what he was</p> <p>23 looking for I would, he would sometimes</p> <p>24 ask me to leave the room.</p> <p>25 Q. So it wasn't that uncommon for</p>	<p style="text-align: right;">Page 17</p> <p>1 inmate. The kissing, carressing or</p> <p>2 fondling of an inmate. Attempts by</p> <p>3 prison personnel to force or encourage</p> <p>4 inmates to engage in sexual acts either</p> <p>5 by words, threats or physical force. Do</p> <p>6 you understand that definition?</p> <p>7 A. Yes.</p> <p>8 Q. So that the definition is far</p> <p>9 broader than sexual intercourse.</p> <p>10 A. Absolutely.</p> <p>11 Q. And when I ask you --- I may also</p> <p>12 use a short term phrase which I used when</p> <p>13 I questioned Lieutenant Bartlett.</p> <p>14 Instead of always repeating sexual abuse</p> <p>15 and exploitation I would use something</p> <p>16 like sexual misconduct or allegations of</p> <p>17 sexual misconduct. They're</p> <p>18 interchangeable.</p> <p>19 A. If I'm confused I'll ask you just</p> <p>20 in case.</p> <p>21 Q. Yes, and I'd be glad to review</p> <p>22 that definition with you again either now</p> <p>23 or later.</p> <p>24 A. Okay.</p> <p>25 Q. Do you want me to review it now?</p>

<p style="text-align: right;">Page 18</p> <p>1 A. No, it's okay.</p> <p>2 Q. Now, have you brought any</p> <p>3 institutional files with you today?</p> <p>4 A. No, I'm no longer at the</p> <p>5 institution. I no longer have access to</p> <p>6 any files.</p> <p>7 Q. Have you reviewed any</p> <p>8 institutional files including but not</p> <p>9 limited to investigative files,</p> <p>10 misconduct records, fact-finding ---</p> <p>11 notes of fact-finding sessions or any</p> <p>12 other documents before this deposition?</p> <p>13 A. I talked to Mr. Halloran and a</p> <p>14 few light things. Nothing big.</p> <p>15 Q. I have no right to even inquire</p> <p>16 about --- I don't want to inquire about</p> <p>17 what you discussed with him. I might</p> <p>18 have a right.</p> <p>19 A. I didn't look at the file, you</p> <p>20 know what I mean?</p> <p>21 Q. Now, have you reviewed any</p> <p>22 portions of the transcript of the</p> <p>23 depositions of Deputy Kormanic or</p> <p>24 Superintendent Wolfe? I'll represent to</p> <p>25 you that I deposed him about a year ago.</p>	<p style="text-align: right;">Page 20</p> <p>1 went to him and it filtered down through</p> <p>2 me. I never got anything directly from</p> <p>3 the OPR's office that said do this. It</p> <p>4 would come from the Superintendent's</p> <p>5 office.</p> <p>6 Q. And OPR is just a new way of</p> <p>7 referring to ---</p> <p>8 A. Office of Professional</p> <p>9 Responsibilities.</p> <p>10 Q. OSI or something?</p> <p>11 A. Office of Special Investigations.</p> <p>12 They just changed the name recently.</p> <p>13 Q. That's correct. Now, am I ---</p> <p>14 are there occasions where you, meaning</p> <p>15 you or your lieutenant or others on your</p> <p>16 behalf conducted an investigation on the</p> <p>17 local level without the assistance of</p> <p>18 anybody from the Central Office?</p> <p>19 A. Yes, we have.</p> <p>20 Q. And were there occasions when the</p> <p>21 Central Office conducted an</p> <p>22 investigation, by Central Office you know</p> <p>23 what I mean?</p> <p>24 A. Yes, I understand.</p> <p>25 Q. Was the Central Office conducting</p>
<p style="text-align: right;">Page 19</p> <p>1 A. No, I have not in either case.</p> <p>2 Anybody's.</p> <p>3 Q. Now, who at the prison level ---</p> <p>4 and I'm always going to be asking, if I</p> <p>5 speak in present tense, I know you're</p> <p>6 gone from there but sometimes I may use</p> <p>7 the present. You understand that means</p> <p>8 when you were here?</p> <p>9 A. Yes.</p> <p>10 Q. Who at the prison level had the</p> <p>11 authority to either order or authorize an</p> <p>12 investigation into possible sexual abuse</p> <p>13 or exploitation on the part of Cambridge</p> <p>14 Springs personnel?</p> <p>15 A. Superintendent.</p> <p>16 Q. Did anybody --- did you have any</p> <p>17 occasions where somebody at the Central</p> <p>18 Office level either Mr. Wolanin or</p> <p>19 others, Mr. Davis or others at the</p> <p>20 Central Office contacted you and either</p> <p>21 ordered or asked you to conduct an</p> <p>22 investigation, or did that always come</p> <p>23 through the Superintendent?</p> <p>24 A. It always came through the</p> <p>25 Superintendent. You know, whether they</p>	<p style="text-align: right;">Page 21</p> <p>1 an investigation without any</p> <p>2 participation on the part of local</p> <p>3 people, other than acting as a liaison or</p> <p>4 facilitator?</p> <p>5 A. Not to my memory, no.</p> <p>6 Q. Were there occasions when the</p> <p>7 Central Office did conduct investigations</p> <p>8 into alleged sexual misconduct in the</p> <p>9 part of a staff member against an inmate?</p> <p>10 A. You mean had they come in here</p> <p>11 and done the ---</p> <p>12 Q. Yes.</p> <p>13 A. Yes, they have.</p> <p>14 Q. And I take it that on the</p> <p>15 occasions that they came here they were</p> <p>16 assisted by members of your staff?</p> <p>17 Either you or ---?</p> <p>18 A. Yes, we usually help.</p> <p>19 Q. And what was the nature of the</p> <p>20 assistance that either you or members of</p> <p>21 the Cambridge Springs staff forwarded the</p> <p>22 Central Office investigators?</p> <p>23 A. If I understand your question,</p> <p>24 basically, we collected maybe statements</p> <p>25 and that and handed everything over to</p>

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<p style="text-align: right;">Page 22</p> <p>1 them so they could get up to speed and 2 conduct an investigation. 3 Q. So you would actually go out and 4 conduct interviews? 5 A. If we already had something. If 6 somebody had already come to us with, or 7 wrote us a note or something like that 8 and we had possession of it. 9 Q. Yes. 10 A. When OPR came in, we would turn 11 it over to them. 12 Q. But once OPR came in then it was 13 ---. 14 A. We basically helped them. It was 15 there investigation. If that makes sense 16 to you. 17 Q. Yes. Now, after becoming 18 intelligence captain, how many 19 investigations would you estimate, if you 20 don't know an exact figure, would you 21 estimate were conducted here at the 22 institution into allegations of alleged 23 sexual misconduct on the part of a staff 24 member against an inmate? 25 A. I have no ideal. When I was</p>	<p style="text-align: right;">Page 24</p> <p>1 A. I wasn't made part of them but I 2 would hear about them. I wouldn't know 3 any details or anything else. That's as 4 far as my ---. 5 Q. I'm going to --- in a moment or 6 two I'm going to try to --- because 7 you've been here a long time, and I'm 8 going to try to perhaps refresh your 9 recollection if possible, by naming some 10 people who might have been investigated 11 and see if you know anything about that. 12 ATTORNEY HALLORAN: 13 When you ask the question 14 I also would like him to answer 15 in the context in the way he was 16 aware of it. In other words, he 17 may be aware of things now that 18 he wasn't aware of at the time it 19 was happening. 20 ATTORNEY KRAKOFF: 21 Sure. 22 BY ATTORNEY KRAKOFF: 23 Q. Were you aware of it 24 contemporaneously with when the 25 investigations were conducted or did you</p>
<p style="text-align: right;">Page 23</p> <p>1 doing it, I think I want to say a couple 2 two or three but I'm guessing. I really 3 am. 4 Q. Now, prior to becoming 5 intelligence captain, I take it from your 6 earlier answer that you really didn't 7 participate in any investigations of the 8 kind that I'm exploring here --- 9 A. That's correct. 10 Q. --- in alleging sexual 11 misconduct? 12 A. That's correct. 13 Q. On the basis of you being the 14 captain of the guard at the time, from I 15 guess from the early days that this 16 institution opened --- 17 A. That's correct. 18 Q. --- until you assumed your 19 investigative duties in March of 1995, 20 did you learn about investigations being 21 conducted, first by prison personnel into 22 alleged misconduct of the sexual nature 23 involving staff and inmates and, two, 24 with respect to any Central Office 25 investigations into sexual matters?</p>	<p style="text-align: right;">Page 25</p> <p>1 become aware of it at a later point? 2 A. Sometime --- usually at the later 3 point. I wasn't, like I said, everything 4 was kept confidential. I did not have 5 the need to know so I really wasn't 6 involved in them. 7 Q. Were the outcomes of 8 investigations, to your knowledge, kept 9 confidential whether the investigation 10 concluded that there was sexual 11 misconduct or concluded that there was no 12 sexual misconduct? 13 A. Did they come to me and tell me 14 the outcomes? 15 Q. Not only to you but was the 16 information generally made known to 17 members of the Cambridge Springs staff? 18 First, when a --- I'll break it into two 19 questions. I take it that when an 20 officer or another staff member was 21 exonerated that information was not 22 generally published or made known to the 23 staff in general; is that correct? 24 A. If I can go back. If they were 25 exonerated, the unit --- you knew that</p>

<p style="text-align: right;">Page 26</p> <p>1 was --- something was happening. If they 2 were exonerated and nothing took place 3 and they didn't have any PDC you knew 4 that they were --- 5 Q. You draw the inference? 6 A. Yeah, you draw the conclusion 7 that there was nothing there. 8 Q. Now, what about when --- are you 9 ever aware of a situation where the 10 conclusion of the investigation was that 11 a staff member had engaged in sexual 12 misconduct? 13 A. Not quite --- I don't understand 14 the question. If you could ---? 15 Q. Are you aware of any staff member 16 from 1992 until the time you assumed your 17 duties as an intelligence captain, were 18 you aware of either the Central Office or 19 local investigators concluding that a 20 member of the staff had engaged in sexual 21 misconduct? 22 A. Yes. 23 Q. And how did you become aware of 24 that? 25 A. Basically, you just hear rumors</p>	<p style="text-align: right;">Page 28</p> <p>1 A. Yes. 2 Q. And what was his position when 3 ---? 4 A. He was a maintenance 5 superintendent, I believe was his title. 6 Q. Are you aware of any 7 investigation occurring about Carl 8 Zimmerman's relationship with Cambridge 9 Springs --- 10 A. I heard the rumors. 11 Q. --- with a Cambridge Spring 12 inmate or inmates? 13 A. I had heard the rumors. 14 Q. Are you aware of what happened to 15 Mr. Zimmerman? 16 A. No. 17 Q. You know at some point there came 18 a time where he no longer worked here? 19 A. Yes. 20 Q. Do you know whether he resigned 21 or whether he was discharged? 22 A. I have no idea. 23 Q. You had heard rumors that he was 24 being investigated? 25 A. Yes, like I said people talk.</p>
<p style="text-align: right;">Page 27</p> <p>1 going on. Nobody actually came to me and 2 said, we're doing an investigation on 3 such and such this person. But, you 4 know, you see things going on. You hear 5 rumors. 6 Q. And nobody came to you and said 7 --- 8 A. No. 9 Q. --- such and such we found that 10 Mr. X had engaged in sexual misconduct? 11 A. No, they didn't come and tell me 12 that. 13 Q. To your knowledge was this 14 published, you know, in the form of a 15 memo or anything else of that sort to the 16 staff? 17 A. No, not to my knowledge. 18 Q. Now, okay, let me throw these 19 names --- let me preface this with --- 20 this is information that has been related 21 to me from various sources. And then 22 when I ask you whether you heard anything 23 about that doesn't necessarily mean that 24 it occurred. Okay. Does the name Carl 25 Zimmerman sound familiar?</p>	<p style="text-align: right;">Page 29</p> <p>1 But I wasn't made privy to the 2 investigation or anything else. 3 Q. And so with respect to Carl 4 Zimmerman, you never received any 5 information of a solid nature that there 6 had been any sort of a determination that 7 he had engaged in sexual misconduct? 8 A. No, I never saw anything. 9 Q. According to the rumor mill were 10 any inmates mentioned in connection with 11 Carl Zimmerman? 12 A. Oh, I'm sure there were but I 13 have no idea who they would be. 14 Q. You don't have any --- okay. 15 A. No, I wouldn't. 16 Q. Paul Walton? 17 A. Yes. 18 Q. Are you familiar with him being 19 investigated? 20 A. Yes, I was. 21 Q. Did this happen during the time 22 that you were the intelligence captain? 23 A. No. 24 Q. Before right? 25 A. Before.</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q. And do you know what Walton 2 allegedly had done? 3 A. Something about sexually did 4 something with an inmate. I know it went 5 to court and, you know, what you read in 6 the papers. 7 Q. Right. But do you remember where 8 it was and what occurred? 9 A. Something about over in dietary. 10 I'm not quite sure, in the freezer or 11 something or other. Again, I wasn't made 12 privilege to the information. 13 Q. After you assumed the position as 14 intelligence captain, did you have access 15 to Paul Walton's file? Is there a --- 16 let me ask it this way. Did Lieutenant 17 Bartlett maintain case files for the 18 cases that he was investigating, separate 19 discreet case files? 20 A. Yeah, I received some from him, 21 yes. 22 Q. Were they in the filing cabinet? 23 A. He brought them to my office. 24 Q. Were those active ongoing cases? 25 A. Not to my knowledge, no.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Now, what if anything were you 2 told or did you learn about Eicher and 3 what he had allegedly done or had done? 4 A. I really learned about his when 5 Ms. Lambert wanted to see me and she 6 talked to me about it. 7 Q. Okay. 8 A. That was sometime in May of '95. 9 Q. This was after you had assumed 10 your ---? 11 A. Yeah, shortly after, you know, a 12 few weeks after a month or whatever it 13 was. 14 Q. Can you describe how that meeting 15 occurred? Where you were and what --- 16 A. Basically, I was in my office. I 17 believe I received a phone call from the 18 officer in restricted house unit, that 19 was where Lisa Lambert was housed, and 20 that she wanted to see me. She had some 21 information. So I had her escorted over 22 to my office. She came in the office and 23 basically, she said, I have some 24 information. The text was basically do 25 you have any, you know --- Lisa I</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. They had already been taken care 2 of? 3 A. Do you recall what they were? 4 Were they broader than --- did they 5 include issues other than sexual 6 misconduct? 7 A. Yes, yes. 8 Q. Did you ever review the Walton 9 file? 10 A. No, it was pretty well dead so I 11 really --- there was no --- I think it 12 was on appeal and I really didn't --- I 13 didn't sit down and read the file. 14 Q. There's no need for you to know? 15 A. No, not that it, you know, he was 16 gone, it was over and everything else. 17 Q. What about James Eicher? Have 18 you ever reviewed the file on James 19 Eicher? 20 A. No. 21 Q. Did you not review it for the 22 same reason you didn't review the Walton 23 file? 24 A. Yeah, this all took place before 25 I did.</p>	<p style="text-align: right;">Page 33</p> <p>1 understand is all business. Do you have 2 anything new? Do you have any evidence? 3 And she said, yes I do. I said, well 4 where's it at. I'd like to see it. And 5 she said, it's back in my cell. I told 6 her, okay, don't tell anybody. I'll have 7 you escorted back over to your cell. 8 Don't tell anybody what you're doing. Go 9 get it get it for me. Do not show it to 10 anybody. Bring it back to show me. 11 And basically, I told the 12 officers who escorted her over, don't ask 13 her questions. Don't do anything. She's 14 going to get something for me. Don't 15 look at it. Bring it over here and give 16 it to me. She did that within a half 17 hour, whatever it took her to go back, 18 get the stuff and bring it back. She 19 brought it to me and I looked at it and I 20 thought there was something to it. And 21 that's basically the text of that. 22 Q. Do you remember what it was that 23 she brought? 24 A. I think calendars. I saw it one 25 time and never saw it again.</p>

<p style="text-align: right;">Page 34</p> <p>1 Q. But there was something that in 2 your mind led some credence to 3 allegations that Eicher had somehow ---? 4 A. Yes, that there was inappropriate 5 behavior. At the time, that's was what 6 my feeling was. 7 Q. And now that ultimately then, was 8 the --- at the time that you spoke with 9 Lisa was there an ongoing investigation? 10 A. Not to my knowledge. 11 Q. Did a new investigation begin 12 after you saw the calendar? 13 A. Yes, yes. 14 Q. And how was that triggered? 15 A. Basically, --- 16 Q. I know you told me you got some 17 information --- 18 A. Yes, and I notified the 19 Superintendent. I believe it was one or 20 two days after that I went to National 21 Guard. I was in the Pennsylvania 22 International Guard. I went to summer 23 camp out in Nevada and I never saw 24 anything more about it but it was the end 25 of mine and OPR came in and Lieutenant</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. I can't ---. 2 A. Okay. I'm on the same page. 3 Q. Can you flip through these pages, 4 29 onward, and tell me were there any of 5 ---? 6 A. That does not look familiar. 7 Q. No? 8 A. Uh-huh (yes). 9 Q. Now, do you recall investigating 10 or recommending an investigation of 11 Eicher in connection with any other 12 women, another Cambridge Spring woman? 13 A. Not that I remember, no. 14 Q. Let me give you some names and 15 see if any --- if you might have, Paula 16 Hoover? 17 A. No. 18 Q. Elizabeth Jones? 19 A. No. 20 Q. You heard of the Maysonet sister? 21 A. No. 22 Q. Another staff member, Jim Merry, 23 do you know anything about his being 24 investigated? 25 A. Yeah, I caught the very end.</p>
<p style="text-align: right;">Page 35</p> <p>1 Beck. And I was never involved in it 2 again. 3 Q. Did Lieutenant Beck on the 4 institutional level have some 5 involvement? 6 A. Yes, he did. That's my 7 understanding any ways. Evidently, 8 you're looking for the --- she said she 9 had more because I asked her, do you have 10 anymore. She said she had more. Her 11 attorney had it and she was trying to get 12 transferred and all that. I said, Lisa, 13 you know, I'm not in a position --- I 14 can't make deals. 15 Q. Okay. 16 A. If there was more evidence than 17 that, I never did see it. 18 Q. I'm going to come back to the 19 Lambert situation a little later. Let me 20 refer you to Exhibit 27. And you have a 21 copy of that there. You'll notice I have 22 the numbers of the pages on the bottom 23 (indicating). If you can turn to page 24 29? 25 A. Does it start off with I ---?</p>	<p style="text-align: right;">Page 37</p> <p>1 That was already an ongoing or they had 2 already did something with it because I 3 remember about the time I took over I 4 went out with Michael Wolanin to 5 interview a person. He wanted to take me 6 up and show me how, you know, the police 7 powers to track this person down. 8 Q. Now, was this person a former 9 staff member or current staff member? 10 A. No, it was somebody that owned a 11 kung fu shop that Merry had used to --- 12 Merry, he was a member of it and he was 13 using --- allegedly using the phone at 14 this person's to call, I think, Maysonet. 15 I'm not sure what sister. I'm not sure. 16 Like I said, I caught the very end of 17 that. 18 Q. Do you recall any investigation 19 of Merry in connection with Carmella 20 Bynum? 21 A. No. 22 Q. Is Merry still here? 23 A. No, he was gone by the time I --- 24 he was already gone by the time --- when 25 I got involved I think it was April.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q. He was already gone?</p> <p>2 A. He was already gone.</p> <p>3 Q. Were you told by anybody in the</p> <p>4 administration why he was gone?</p> <p>5 A. Not to my knowledge. I don't</p> <p>6 remember actually coming and saying this</p> <p>7 is why Officer Merry is gone, no.</p> <p>8 Q. Do you recall any more</p> <p>9 generalized announcement to other staff</p> <p>10 members indicating why Merry was gone?</p> <p>11 A. No, if you're asking if they put</p> <p>12 out for publication to let people know.</p> <p>13 No, that's never been the practice.</p> <p>14 Q. To do that?</p> <p>15 A. To publish, yeah, to publish</p> <p>16 stuff like that.</p> <p>17 Q. Roger Beck, is that Captain Beck</p> <p>18 now?</p> <p>19 A. No, he's a Lieutenant. He was</p> <p>20 acting. Now, he's back to Lieutenant</p> <p>21 Beck.</p> <p>22 Q. Are you aware of his being</p> <p>23 investigated at any point in connection</p> <p>24 with alleged sexual misconduct?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 40</p> <p>1 are you aware of any allegations of his</p> <p>2 being involved in any sexual misconduct</p> <p>3 toward an inmate?</p> <p>4 A. I had heard it or something but</p> <p>5 I'm not even sure when I heard it.</p> <p>6 Q. Do you remember what you heard?</p> <p>7 A. No.</p> <p>8 Q. And I take it you're not aware of</p> <p>9 what inmate or inmates he was allegedly -</p> <p>10 --</p> <p>11 A. No, I don't remember details at</p> <p>12 all. Like I said, you hear stuff.</p> <p>13 Q. Bob Rogers, did you hear anything</p> <p>14 about him?</p> <p>15 A. Not right off the top of my head,</p> <p>16 no. He was a lieutenant here.</p> <p>17 Q. Is he still here?</p> <p>18 A. No.</p> <p>19 Q. Do you know why he left?</p> <p>20 A. He asked to be transferred. He</p> <p>21 took a demotion and transferred to</p> <p>22 Mercer. He works at Mercer with me.</p> <p>23 Q. Wayne Young, plumbing trades</p> <p>24 instructor, I understand?</p> <p>25 A. Yeah, there was something about</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Do you know an inmate by the name</p> <p>2 of Marjoline DeBello?</p> <p>3 A. The name's familiar. I do not</p> <p>4 know, you know, the name. I do not know</p> <p>5 the inmate personally.</p> <p>6 Q. Jerome Coffee, are you aware of</p> <p>7 his being investigated?</p> <p>8 A. No.</p> <p>9 Q. Were you aware of any rumors</p> <p>10 about his being involved with any of the</p> <p>11 prisoners?</p> <p>12 A. Seems like there was something</p> <p>13 and I don't know --- I know it was looked</p> <p>14 into. But I remember something about it</p> <p>15 but I didn't care to know.</p> <p>16 Q. Does Marita Diaz sound familiar?</p> <p>17 A. Diaz?</p> <p>18 Q. Diaz.</p> <p>19 A. Her name sounds familiar but ---</p> <p>20 DEPUTY KORMANIC:</p> <p>21 Marissa.</p> <p>22 A. Yeah, I was going to say Marissa</p> <p>23 Diaz.</p> <p>24 BY ATTORNEY KRAKOFF:</p> <p>25 Q. What about Phillip David Schmidt,</p>	<p style="text-align: right;">Page 41</p> <p>1 it. I don't remember well. I don't know</p> <p>2 if it was any sexual allegations or just</p> <p>3 bringing stuff in for inmates. I'm not</p> <p>4 sure what it is right off the top of my</p> <p>5 head.</p> <p>6 Q. When you assumed your position or</p> <p>7 at anytime after you assumed it during</p> <p>8 that approximately two-year period, were</p> <p>9 you ever told either by the</p> <p>10 administration here at Cambridge Springs</p> <p>11 or the Central Office that bringing ---</p> <p>12 about the significance if any, of a staff</p> <p>13 member bringing in gifts for an inmate?</p> <p>14 A. That's been since my --- since I</p> <p>15 started with the department back in '73.</p> <p>16 That has always been a no-no.</p> <p>17 Q. Were you told why?</p> <p>18 A. I'm sure I was but common sense</p> <p>19 would tell you that, you know, it's</p> <p>20 inappropriate to bring things for</p> <p>21 inmates. It's been longstanding with the</p> <p>22 department.</p> <p>23 Q. Did you in any of the</p> <p>24 investigations that you conducted, did</p> <p>25 any of those investigations involve, I'm</p>

<p style="text-align: right;">Page 42</p> <p>1 not saying were they limited to, but were 2 any of them involved in bringing of gifts 3 for inmates? 4 A. Yes, if I remember. 5 Q. Do you remember what 6 investigation or investigations ---? 7 A. No, not right off the top of my 8 head. We never did find --- we never 9 found any proof, you know. Allegations 10 but no proof. 11 Q. What about Officer Stone, have 12 you heard anything about either his being 13 investigated for alleged sexual 14 misconduct or ever about his being 15 involved in such conduct? 16 A. Inappropriate behavior is 17 basically what his was. 18 Q. And what was that? What did that 19 consist of? 20 A. With another inmate, talking to 21 her when he shouldn't be. I don't 22 remember the details. It was nothing --- 23 no sexual ---. 24 Q. Not sexual? 25 A. No.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. No, you figured it out from, you 2 know, what things you heard. 3 Q. What did you hear? 4 A. That with Lisa Lambert that he 5 had been with Lisa Lambert and something 6 about he pushed her or something and 7 shoved her and stuff like that. 8 Q. Had you heard anything about 9 allegations by Ms. Lambert or by other 10 inmates that Raun had engaged in any sort 11 of sexual misconduct in relation to Lisa 12 Lambert? 13 A. Not that I remember, no. 14 Q. Did you at any point become aware 15 of the fact that Lisa Lambert had spoken 16 with Deputy Utz about alleged harassment 17 by Officer Raun toward her? 18 A. I had heard those rumors. 19 Q. And did Officer Raun at some 20 point tell you that he had heard that 21 Lisa had gone to Deputy Utz? 22 ATTORNEY HALLORAN: 23 Let me just clarify the 24 question. You're asking about a 25 particular point in time?</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Is Officer Stone still here? 2 A. No, he resigned. 3 Q. Do you know why, the 4 circumstances of his resignation? 5 A. I think it had to do with the 6 investigation. He just had enough, you 7 know. I can't go into --- but he 8 resigned. 9 Q. Harry Stewart, food service 10 manager? 11 A. I know him. I don't know 12 anything. 13 Q. Nothing? 14 A. No. 15 Q. What about John Raun? 16 A. I had heard it with the, you 17 know, Lisa Lambert thing. 18 Q. Had you heard that he was under 19 investigation at one point? 20 A. Yeah, because, you know, you hear 21 --- it's correct. 22 Q. And did Raun ever tell you why he 23 was being investigated, --- 24 A. No. 25 Q. --- what the allegations were?</p>	<p style="text-align: right;">Page 45</p> <p>1 ATTORNEY KRAKOFF: 2 Yes, 1993. 3 A. That would have been before --- 4 no, not that --- did he come to me and 5 ask me, not to my knowledge, no. 6 BY ATTORNEY KRAKOFF: 7 Q. At what point --- what year was 8 it that you became aware that Lisa 9 Lambert had gone to Deputy Utz? 10 A. I couldn't even tell you. You 11 know, you just hear the rumors, you know. 12 You're not dumb. You figure out all --- 13 you see things going on and, you know, 14 OPR coming in and talking to people, you 15 can figure it out, been around for a long 16 time. I couldn't give you the time 17 frames. 18 Q. Well, was it early in the opening 19 of this institution or toward the time 20 that you left? 21 A. No, it was ---. 22 ATTORNEY HALLORAN: 23 He already answered the 24 question. 25 BY ATTORNEY KRAKOFF:</p>

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<p style="text-align: right;">Page 46</p> <p>1 Q. You don't remember; is that 2 right?</p> <p>3 A. It would --- yeah, really.</p> <p>4 Q. Were you a friend of Officer 5 Raun's?</p> <p>6 A. No, co-worker.</p> <p>7 Q. You didn't socialize with him?</p> <p>8 A. No.</p> <p>9 Q. Did you at any point in 1993, 10 call Lisa to your office to speak with 11 her about the Raun situation?</p> <p>12 A. Did I call for her? No, I 13 wouldn't have been involved in it.</p> <p>14 Q. Did you have her brought to the 15 office?</p> <p>16 A. Not that I remember.</p> <p>17 Q. Did Bartlett, while he was in the 18 office have Lisa Lambert brought to your 19 office?</p> <p>20 A. He could have. That would have 21 been more appropriate for him to call her 22 --- call her over, if he was involved in 23 the investigation than me.</p> <p>24 Q. Do you recall a meeting, I'm told 25 that it was Bartlett's office. Do you</p>	<p style="text-align: right;">Page 48</p> <p>1 an investigation or ---.</p> <p>2 Q. Do you know? I don't want you to 3 guess.</p> <p>4 A. It was a lot of times that I sit 5 in on meetings. If it was particulars, I 6 couldn't tell you. It was particulars I 7 couldn't --- there were a lot times I sit 8 in on meetings.</p> <p>9 Q. Do you know whether this meeting 10 concerned either Raun's alleged behavior 11 toward Lisa Lambert or Lisa Lambert's 12 alleged behavior toward Raun?</p> <p>13 A. No, I don't remember.</p> <p>14 Q. Do you recall Lisa Lambert crying 15 at that time?</p> <p>16 A. I don't remember Lisa Lambert 17 ever crying.</p> <p>18 Q. Never?</p> <p>19 A. No, not right off the top of my 20 head, no.</p> <p>21 Q. Do you recall getting angry at 22 Lisa Lambert?</p> <p>23 A. I don't get angry at anybody.</p> <p>24 Q. Well, whether you were angry or 25 not, did you become harsh in your ---?</p>
<p style="text-align: right;">Page 47</p> <p>1 recall meeting in Bartlett's office, 2 where Bartlett and you and Raun were 3 present and Lisa Lambert was also 4 present?</p> <p>5 A. There's a possibility.</p> <p>6 Q. And can you tell me what you 7 recall about that possible meeting? I'd 8 like you to think very carefully about it 9 and as much detail as possible and tell 10 me what you recall?</p> <p>11 A. I can't think, Raun, even if he 12 brought her or had her called over.</p> <p>13 Basically, if he --- if you were talking 14 to an inmate about other staff, you'd 15 want like a witness, to make sure, you 16 know, nothing was misunderstood. Again, 17 you didn't want to get caught in a 18 situations where they could accuse you of 19 doing something. But if you're talking 20 about exactly what took place, no, I'm 21 not sure.</p> <p>22 Q. Do you remember generally what 23 took place?</p> <p>24 A. If it was Lisa Lambert, there was 25 an investigation. It probably had to be</p>	<p style="text-align: right;">Page 49</p> <p>1 A. No, I wouldn't. That's not my 2 personality.</p> <p>3 Q. Are you aware of Bartlett being 4 investigated in relation to allegations 5 that he hadn't conducted an inadequate 6 investigation into the Raun situation?</p> <p>7 A. No. No, there would have been 8 --- I wouldn't have done it. We wouldn't 9 investigate each other. They would have 10 brought someone in from outside if it 11 took place.</p> <p>12 Q. Did you at any point warn or 13 caution or tell Lisa Lambert that she 14 better not get Raun into any trouble?</p> <p>15 A. No.</p> <p>16 Q. Were you at any point ever 17 interviewed as part of an investigation 18 of Officer Raun's alleged behavior toward 19 Lisa Lambert?</p> <p>20 A. No, no.</p> <p>21 Q. Were you ever interviewed as part 22 of an investigation of Captain Bartlett?</p> <p>23 A. Not that I would know.</p> <p>24 Q. Now, are you aware of an Officer 25 by the name of Emmanuel Montegjo?</p>

<p style="text-align: right;">Page 50</p> <p>1 A. Yes.</p> <p>2 Q. Did you hear of any allegations</p> <p>3 of any sexual misconduct on his part</p> <p>4 toward staff --- toward inmates?</p> <p>5 A. Not by your definition, no.</p> <p>6 Maybe inappropriate behavior, you hear</p> <p>7 the stuff. It was ---.</p> <p>8 Q. Just a rumor?</p> <p>9 A. Yeah, I don't remember going</p> <p>10 anywhere with it.</p> <p>11 Q. What about Bill Free?</p> <p>12 A. Nothing sexual I remember.</p> <p>13 Q. Anything in connection with</p> <p>14 either Lisa Lambert or an inmate by the</p> <p>15 name of LeAnn Jafka?</p> <p>16 A. No, not that I recall, no.</p> <p>17 Q. Had you heard anything of a non-</p> <p>18 sexual relation that related with his</p> <p>19 dealings with inmates?</p> <p>20 A. No.</p> <p>21 Q. Are you aware of a person,</p> <p>22 laundry supervisor here at the prison one</p> <p>23 time, his name was Requine?</p> <p>24 A. Requine?</p> <p>25 Q. Yes.</p>	<p style="text-align: right;">Page 52</p> <p>1 investigation associated with Hammers?</p> <p>2 A. No.</p> <p>3 Q. What about a staff member by the</p> <p>4 name of Randolph?</p> <p>5 A. Yes.</p> <p>6 Q. Do you recall, was he an officer?</p> <p>7 A. No, he was a maintenance person,</p> <p>8 an electrician.</p> <p>9 Q. And did you hear any allegations</p> <p>10 of sexual misconduct on his part?</p> <p>11 A. No, they weren't sexual in</p> <p>12 nature.</p> <p>13 Q. What about Lieutenant Mort?</p> <p>14 A. I was --- I heard them. That's</p> <p>15 about it.</p> <p>16 Q. What were the allegations?</p> <p>17 A. I'm not even sure what they were.</p> <p>18 He like resigned. He come in on Sunday</p> <p>19 or Saturday and resigned on a Monday.</p> <p>20 Q. Jennifer Langford; did you hear</p> <p>21 any allegations about her?</p> <p>22 A. Something about it. I couldn't</p> <p>23 ---</p> <p>24 Q. You don't remember what?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 51</p> <p>1 A. Yes.</p> <p>2 Q. R-E-Q-U-I-N-E or something like</p> <p>3 that.</p> <p>4 A. Yes, I'm not sure how the</p> <p>5 spelling is. Yes, he was --- he worked</p> <p>6 in the laundry.</p> <p>7 Q. At any point, did you hear that</p> <p>8 he was under investigation for alleged</p> <p>9 sexual misconduct?</p> <p>10 A. No, no.</p> <p>11 Q. Do you know the circumstances of</p> <p>12 why he left here?</p> <p>13 A. He really had bad health.</p> <p>14 Q. Bad health?</p> <p>15 A. Uh-huh (yes). I think he's dead.</p> <p>16 He might be deceased by now, I'm not</p> <p>17 sure.</p> <p>18 Q. What about Richard Hammers? Do</p> <p>19 you recall anything about his being</p> <p>20 investigated or allegations made about</p> <p>21 him?</p> <p>22 A. Allegations but I can't remember</p> <p>23 right off the top of my head what they</p> <p>24 were.</p> <p>25 Q. You weren't involved in the</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. Martin Miller?</p> <p>2 A. Yes, I'm aware of that.</p> <p>3 Q. Were you involved in</p> <p>4 investigating him?</p> <p>5 A. Yes, I was, along with OPR or I</p> <p>6 helped OPR.</p> <p>7 Q. And Linda Bisch, from dietary?</p> <p>8 A. I heard about that one. I wasn't</p> <p>9 involved in it.</p> <p>10 Q. What did you hear about that?</p> <p>11 A. Something with an inmate.</p> <p>12 Q. Was it of a sexual nature or</p> <p>13 romantic nature?</p> <p>14 A. Maybe romantic nature. I don't</p> <p>15 remember hearing anything sexual about</p> <p>16 it.</p> <p>17 Q. Lisa Strickland?</p> <p>18 A. That doesn't ring a bell at all.</p> <p>19 Q. Bruce Allen?</p> <p>20 A. I heard something about him. He</p> <p>21 resigned. I don't think his was --- he</p> <p>22 was involved in anything.</p> <p>23 Q. CO Lofton?</p> <p>24 A. Yes.</p> <p>25 Q. What did you hear about him, if</p>

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<p style="text-align: right;">Page 54</p> <p>1 anything?</p> <p>2 A. I'm trying to think if I did the</p> <p>3 investigation. If I remember right, he</p> <p>4 was --- he wanted to make a phone call to</p> <p>5 an inmate or something like that. It was</p> <p>6 nothing sexual.</p> <p>7 Q. Okay.</p> <p>8 A. And I could be ---.</p> <p>9 Q. Was she a former inmate or</p> <p>10 current inmate?</p> <p>11 A. Former.</p> <p>12 Q. You mean he tried to make a phone</p> <p>13 call from ---</p> <p>14 A. If I remember, yeah. He was</p> <p>15 trying ---.</p> <p>16 Q. --- from here?</p> <p>17 A. No, he was going to have her</p> <p>18 contact him.</p> <p>19 Q. Okay.</p> <p>20 A. And that could be --- I'm trying</p> <p>21 to think if that's the guy.</p> <p>22 Q. Maybe not?</p> <p>23 A. No. Yeah.</p> <p>24 Q. Now, did you have any discussion</p> <p>25 with Superintendent Wolfe in connection</p>	<p style="text-align: right;">Page 56</p> <p>1 ATTORNEY KRAKOFF:</p> <p>2 That's right. Whether</p> <p>3 the Superintendent ever expressed</p> <p>4 to him ---</p> <p>5 ATTORNEY HALLORAN:</p> <p>6 One way or the other.</p> <p>7 ATTORNEY KRAKOFF:</p> <p>8 --- one way or the other</p> <p>9 how significant or how prevalent</p> <p>10 he thought the problem was.</p> <p>11 A. Not to my knowledge, no.</p> <p>12 BY ATTORNEY KRAKOFF:</p> <p>13 Q. Okay.</p> <p>14 A. I mean he didn't sit down and we</p> <p>15 have a serious problem and --- if that's</p> <p>16 what you're asking. No, he never</p> <p>17 discussed that kind of stuff with me.</p> <p>18 Q. Did he ever indicate to you</p> <p>19 without using an adjective, I mean, did</p> <p>20 he indicate to you in other ways the</p> <p>21 extent, if any, to which he thought it</p> <p>22 was a significant problem?</p> <p>23 ATTORNEY HALLORAN:</p> <p>24 I'm going to object to</p> <p>25 the form of the question. You</p>
<p style="text-align: right;">Page 55</p> <p>1 with how he viewed the level of sexual</p> <p>2 abuse or exploitation at the prison?</p> <p>3 A. He would not tolerate it</p> <p>4 whatsoever. He actively went after</p> <p>5 people, had me actively go after people.</p> <p>6 Q. Did he ever indicate to you or in</p> <p>7 your presence how significant he thought</p> <p>8 the scope of any problem was associated</p> <p>9 with sexual abuse or exploitation of</p> <p>10 inmates?</p> <p>11 A. I'm not sure what you're asking.</p> <p>12 Q. Well, did he ever say like ---</p> <p>13 I'm trying to get a sense of how serious</p> <p>14 he thought the problem was of sexual</p> <p>15 misconduct on the part of officers toward</p> <p>16 inmates, which could be anything from</p> <p>17 zero to a hundred.</p> <p>18 ATTORNEY HALLORAN:</p> <p>19 I think he already</p> <p>20 answered the question, that he</p> <p>21 thought --- he said he wouldn't</p> <p>22 tolerate it. What you're trying</p> <p>23 to ask him now is how prevalent</p> <p>24 he felt the problem was. Which</p> <p>25 is a different ---.</p>	<p style="text-align: right;">Page 57</p> <p>1 can't --- the word significant</p> <p>2 has two different meanings. You</p> <p>3 can use it in two different ways.</p> <p>4 BY ATTORNEY KRAKOFF:</p> <p>5 Q. The same question that I asked</p> <p>6 originally about Superintendent Wolfe</p> <p>7 about whether he ever indicated the</p> <p>8 magnitude of the problem in his mind to</p> <p>9 you. Did Deputy Kormanic?</p> <p>10 A. No.</p> <p>11 Q. What about Deputy Utz?</p> <p>12 A. No, I didn't have much contact</p> <p>13 with Deputy Utz.</p> <p>14 Q. Did Keith Bartlett during that</p> <p>15 transition period ever indicate to you</p> <p>16 how significant he thought the problem</p> <p>17 was?</p> <p>18 A. No. Not to my knowledge, no.</p> <p>19 Q. How long did that transition</p> <p>20 period last?</p> <p>21 A. It was like two or three weeks.</p> <p>22 You have to go back once you're doing</p> <p>23 something like that and you're, you know,</p> <p>24 what's going on, if I was reading</p> <p>25 something or heard something, have you</p>

<p style="text-align: right;">Page 58</p> <p>1 looked in, you know, stuff like that.</p> <p>2 Q. Sure.</p> <p>3 A. It took a little bit, not long.</p> <p>4 Q. What ongoing cases of alleged</p> <p>5 sexual misconduct did you inherit from</p> <p>6 Captain Bartlett?</p> <p>7 A. None that I remember. Everything</p> <p>8 was pretty well closed up.</p> <p>9 Q. What cases of alleged sexual</p> <p>10 misconduct were generated during the time</p> <p>11 that you were intelligence captain?</p> <p>12 A. How many?</p> <p>13 Q. Yes, well we know Miller; is that</p> <p>14 right?</p> <p>15 A. Yeah.</p> <p>16 Q. Any others?</p> <p>17 A. Not right off the top of my head,</p> <p>18 no.</p> <p>19 Q. So as I understand your</p> <p>20 testimony, when you assumed the position</p> <p>21 as intelligence captain, there were no</p> <p>22 open investigations that were occurring</p> <p>23 at the institutional level?</p> <p>24 ATTORNEY HALLORAN:</p> <p>25 I think he testified to</p>	<p style="text-align: right;">Page 60</p> <p>1 BY ATTORNEY KRAKOFF:</p> <p>2 Q. Other than the Merry case, did</p> <p>3 you inherit any open cases from Captain</p> <p>4 Bartlett?</p> <p>5 A. Not that I remember.</p> <p>6 Q. Are you aware of any open cases,</p> <p>7 active investigations of alleged sexual</p> <p>8 misconduct occurring at the Central</p> <p>9 Office level involving Cambridge Springs,</p> <p>10 after you assumed your duties?</p> <p>11 A. No, not that I can remember.</p> <p>12 Q. And the Miller case was one that</p> <p>13 actually the Central Office did much of</p> <p>14 that investigation; didn't it?</p> <p>15 A. Yes.</p> <p>16 Q. But you did a significant amount,</p> <p>17 as well on the prison level?</p> <p>18 A. Yes.</p> <p>19 Q. Other than the Miller case, can</p> <p>20 you recall any other case that the</p> <p>21 Central Office investigated either by</p> <p>22 self or with the support of Cambridge</p> <p>23 Springs staff, after you became</p> <p>24 intelligence captain?</p> <p>25 A. Not right off the top of my head.</p>
<p style="text-align: right;">Page 59</p> <p>1 one. I think Sergeant Merry, you</p> <p>2 said, was still.</p> <p>3 ATTORNEY KRAKOFF:</p> <p>4 I thought he had left</p> <p>5 already.</p> <p>6 A. He had already left.</p> <p>7 ATTORNEY HALLORAN:</p> <p>8 He had left but I think</p> <p>9 you said the investigation was</p> <p>10 ---.</p> <p>11 A. Well, they were trying to find</p> <p>12 him for whatever reason. I don't know if</p> <p>13 that's open. They were looking for him</p> <p>14 to ask him some questions, if you want to</p> <p>15 consider that open.</p> <p>16 BY ATTORNEY KRAKOFF:</p> <p>17 Q. So there was one that there was</p> <p>18 some activity?</p> <p>19 A. Yeah, that's correct.</p> <p>20 ATTORNEY HALLORAN:</p> <p>21 That's the one with the</p> <p>22 kung fu that you were talking</p> <p>23 about.</p> <p>24 A. Yes, that's absolutely correct,</p> <p>25 yes.</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. Do you think there were any or do</p> <p>2 you doubt that there were?</p> <p>3 A. After I took over?</p> <p>4 Q. Yes.</p> <p>5 A. There was one with --- it was</p> <p>6 inappropriate behavior.</p> <p>7 Q. And who did that involve?</p> <p>8 A. Mary Hall, Sergeant Chase, an</p> <p>9 inmate that already left.</p> <p>10 Q. Is that one where she had some</p> <p>11 relationship or seeking a relationship?</p> <p>12 A. Something like that, it was never</p> <p>13 ---.</p> <p>14 Q. I don't know why I didn't mention</p> <p>15 her.</p> <p>16 A. That would be the only one.</p> <p>17 Q. Okay.</p> <p>18 A. And it was just inappropriate</p> <p>19 behavior.</p> <p>20 Q. When I asked you the questions</p> <p>21 about whether Wolfe or Utz or Kormanic or</p> <p>22 Bartlett expressed one way or the other</p> <p>23 what they thought the magnitude of the</p> <p>24 problem was, you know, I think I was</p> <p>25 focusing on whether you were ever present</p>

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<p style="text-align: right;">Page 62</p> <p>1 when they expressed it. Do you recall 2 any memos or written documents, where 3 they expressed a view of what they 4 thought the magnitude of what the quote, 5 the problem was? 6 A. Not that I ever read, no. 7 Q. Let me refer you to Exhibit 27, 8 which is in the first volume. 9 A. I'm on the page. 10 Q. This concerns an investigation of 11 James Eicher. 12 A. Yes. 13 Q. And the second page, where it 14 says synopsis. Michael Wolanin states 15 that quote, this investigation was 16 authorized by Vaughn L. Davis, Director 17 of Special Investigations Office, IO on 18 May 24, 1995, predicated by memo to the 19 Director from Captain Ronald Lazenby, 20 State Correctional Institution Cambridge 21 Springs. 22 So does this refresh your 23 recollection that during your tenure 24 there was an investigation of Eicher? 25 A. Yes.</p>	<p style="text-align: right;">Page 64</p> <p>1 that time period? 2 A. It doesn't ring a bell, no. 3 Q. Now, do you recognize the 4 printing or do you believe that you 5 recognize the printing? 6 A. No, I just know it's not mine. 7 I'm not a very good printer. 8 Q. Now, let me refer you to Exhibit 9 125. It's the very last document. 10 A. Yes. 11 Q. This is a document dated the 6th 12 of May 1995. 13 A. Uh-huh (yes). 14 Q. 6th of May 1995. It's apparently 15 from J. Metzger --- is that Officer Jill 16 Metzger? 17 A. I'm not --- it's a female 18 officer. 19 Q. And do you see on the very top of 20 the right hand corner it says cc Lazenby? 21 A. That's correct. 22 Q. And also S-U-P-T, which I assume 23 is superintendent? 24 A. Uh-huh (yes). 25 Q. And you'll see on the second page</p>
<p style="text-align: right;">Page 63</p> <p>1 Q. Okay. 2 A. But I wasn't involved in it. 3 Q. And this makes reference to a 4 memo and you'll see on page five, if you 5 turn to page five. Do you see where it 6 says details? You'll see the last line. 7 It says a copy of Lazenby's memo is 8 appended as attachment number one. 9 A. Yes. 10 Q. And then if you turn to page 15 11 of this Exhibit, you'll see on pages 15 12 and 16 a two-page document which is 13 identified as attachment one. 14 A. Yes, but that's not mine. 15 Q. That's not yours? 16 A. No. 17 Q. Okay. 18 A. It's not my handwriting. 19 Q. Why don't you look at the 20 information and tell me whether you 21 remember any of this information coming 22 to your attention in some other form? 23 Well, had you seen these 24 allegations in either this document or in 25 some other document more or less during</p>	<p style="text-align: right;">Page 65</p> <p>1 of this document, which I think might be 2 the same, looks similar. 3 A. Yes, it does. 4 Q. Now that you see Exhibit 125, do 5 you have a recollection of ever reviewing 6 this document? 7 A. No. 8 Q. You became the intelligence 9 captain at the end of March, so you --- 10 A. Yes. 11 Q. --- by May 6th, you would have 12 been the intelligence ---? 13 A. That's correct. 14 Q. Were you working at the prison on 15 or about the 6th of May 1995? 16 A. I'd have to look at a calendar. 17 Q. I mean, you weren't ---? 18 A. Yeah, I was here. If it was the 19 next day or something I got vacation. 20 Q. You'll notice it says actions 21 taken. It says, reviewed, previously 22 brought to my attention and turned over 23 to Deputy Kormanik and Captain Lazenby. 24 A. Yes. 25 Q. This is signed by Lieutenant</p>

<p style="text-align: right;">Page 66</p> <p>1 Foster?</p> <p>2 A. Yes.</p> <p>3 Q. Do you have any recollection of</p> <p>4 Lieutenant Foster giving you a document</p> <p>5 of this sort?</p> <p>6 A. No, not right off the top of my</p> <p>7 head. I did not always get things that</p> <p>8 were --- that would be cc'd to me. I</p> <p>9 just didn't get them all the time.</p> <p>10 Q. So --- you can see the various</p> <p>11 officers and other personnel who were</p> <p>12 named in this two-page attachment to</p> <p>13 Officer Metzger's report, ---</p> <p>14 A. Yes.</p> <p>15 Q. --- that these concerned Eicher,</p> <p>16 not only in connection with Lisa Lambert,</p> <p>17 but other allegations that Eicher had</p> <p>18 contact with other female prisoners in</p> <p>19 1993 and 1994; isn't that ---?</p> <p>20 A. That's what it says.</p> <p>21 Q. Isn't that what it says?</p> <p>22 A. Yes, that's what it says.</p> <p>23 Q. And this document also reflects</p> <p>24 that there were other officers other than</p> <p>25 Eicher who allegedly had contact with</p>	<p style="text-align: right;">Page 68</p> <p>1 intelligence captain, were you in the</p> <p>2 chain of distribution when the Office of</p> <p>3 Special Investigations issued a report of</p> <p>4 this sort?</p> <p>5 A. No, it wouldn't come to me.</p> <p>6 Q. It wouldn't come to you? Then</p> <p>7 how would you --- was there some other</p> <p>8 way that you had become aware of the</p> <p>9 report?</p> <p>10 A. Not unless the Superintendent</p> <p>11 shared the information with me.</p> <p>12 Q. Do you have any recollection of</p> <p>13 receiving a copy of this report?</p> <p>14 A. No. Like I said, I didn't</p> <p>15 investigate it so I really, you know ---.</p> <p>16 Q. Right. And I take it that you</p> <p>17 have no recollection of ever discussing</p> <p>18 the incidents that were alleged in the</p> <p>19 Metzger memo with Deputy Kormanik; is</p> <p>20 that correct?</p> <p>21 A. No, I don't remember.</p> <p>22 Q. Okay.</p> <p>23 ATTORNEY KRAKOFF:</p> <p>24 We'll take a break.</p> <p>25 SHORT BREAK</p>
<p style="text-align: right;">Page 67</p> <p>1 inmates of, you know, involving alleged</p> <p>2 sexual abuse or exploitation; isn't that</p> <p>3 correct?</p> <p>4 A. Well, it says contact. I'm not</p> <p>5 sure what they meant by contact.</p> <p>6 Q. Okay.</p> <p>7 A. Some of it says physical contact.</p> <p>8 Some of it just says alleged contact.</p> <p>9 Q. Right.</p> <p>10 A. And that was all before my time.</p> <p>11 Q. But in any event, this</p> <p>12 information just never came to you</p> <p>13 anyway?</p> <p>14 A. It doesn't, no.</p> <p>15 Q. It didn't?</p> <p>16 A. It could have been placed --- no.</p> <p>17 Q. What about the report itself?</p> <p>18 What about Wolanin's report itself, which</p> <p>19 did contain that memo on September 11,</p> <p>20 1995, were you in the chain of</p> <p>21 distribution?</p> <p>22 A. Would I ever have received a</p> <p>23 letter from Michael Wolanin?</p> <p>24 Q. Well, would you have received in</p> <p>25 the ordinary course of events as the</p>	<p style="text-align: right;">Page 69</p> <p>1 BY ATTORNEY KRAKOFF:</p> <p>2 Q. Did you at some point become</p> <p>3 aware of the fact that an investigation</p> <p>4 concluded that in 1995 that Eicher had</p> <p>5 engaged in misconduct, sexual misconduct</p> <p>6 of an abusive nature toward Lisa Lambert?</p> <p>7 A. Was I made aware of it, yes.</p> <p>8 Q. How did you become aware of that?</p> <p>9 A. I saw --- well, I watched them</p> <p>10 escort Mr. Eicher off grounds and, you</p> <p>11 know, I was probably told somewhere along</p> <p>12 there. I mean it's common sense that</p> <p>13 something's wrong.</p> <p>14 Q. I take it that you weren't ---</p> <p>15 that the Superintendent didn't inform you</p> <p>16 of that or ---</p> <p>17 A. No, not that I remember, no.</p> <p>18 Q. --- or the Deputy?</p> <p>19 A. Not that they called me up and</p> <p>20 tell me, no, not that I remember, no.</p> <p>21 Q. And I take it that neither the</p> <p>22 Superintendent nor anybody else in</p> <p>23 administration said to you, why don't you</p> <p>24 come and read the --- or suggested that</p> <p>25 you read the report issued by the Office</p>

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<p style="text-align: right;">Page 70</p> <p>1 of Special Investigation in connection 2 with Eicher; is that so? 3 A. No, that's true. 4 Q. Do you believe that having that 5 information would have been worthwhile in 6 any way in connection with any efforts to 7 either to fair it out or to preclude 8 sexual misconduct against inmates? 9 ATTORNEY HALLORAN: 10 Objection. He testified 11 that he never saw the report. 12 ATTORNEY KRAKOFF: 13 I understand that but I'm 14 asking since he was the 15 intelligence captain whether 16 having such a report would have 17 been in your view, of any value 18 to you either in connection with 19 your efforts to investigate 20 sexual abuse at the prison. 21 A. Well, the case was over so it 22 wouldn't --- not unless there was 23 something in the report that reflected on 24 some other that we should investigate, 25 no. It wouldn't have been any help to</p>	<p style="text-align: right;">Page 72</p> <p>1 at it and said, make sure that somebody 2 followed it up, you know. Because it was 3 before my time I'd make sure that --- 4 what happened, what happened to the case, 5 did anybody look into it. 6 Q. With the other inmates? 7 A. Yes. 8 Q. And with Eicher's other ---? 9 A. This was done so I don't know how 10 much more would help you. It's already 11 gone and prosecuted. I don't know if 12 that would help you follow through. 13 Books were closed. 14 Q. Now, I'm going to turn now to 15 Martin Miller. At what point did you 16 become involved with the investigation of 17 Martin Miller? And let me ask that 18 first. 19 A. With who? 20 Q. The investigation with Miller 21 concerning allegations of misconduct 22 against any Cambridge Spring inmate? 23 A. There was a couple of times where 24 they went nowhere, until this last time 25 in, what was it, March of '96. I think</p>
<p style="text-align: right;">Page 71</p> <p>1 me. 2 BY ATTORNEY KRAKOFF: 3 Q. But in fact, you've learned today 4 that this report did have something? 5 A. Yes. 6 Q. It had attachment one which had 7 been attributed to you but in any event 8 did make reference to other alleged acts 9 of abuse against other inmates by Eicher; 10 correct? 11 A. That's true. 12 Q. And also alleged acts of abuse by 13 other personnel? 14 A. That's true. 15 Q. So that knowing this now, in your 16 view, would knowing that two years ago or 17 three years ago have been any value to 18 you? 19 A. It could have. 20 Q. In what way? 21 A. Just to make sure that it was 22 followed up on. 23 Q. Followed up in what respect? 24 A. If there was an investigation 25 completed on it, I'd have probably looked</p>	<p style="text-align: right;">Page 73</p> <p>1 it was March of '96. And that happened 2 when I was out of the institution, I 3 think I was training or something, when I 4 was made aware of it. And when I 5 returned I think they already --- Marty 6 Miller had already been suspended and OPR 7 or Michael Wolanin came in and I helped 8 him work on it, assisted him I guess is a 9 better word. 10 Q. All right. Was the Miller case 11 open when you became the intelligence 12 captain? 13 A. No, not that I can remember, no. 14 It was closed. 15 Q. Okay. 16 A. We still had the --- you don't 17 never throw the stuff away so it was in a 18 file. 19 Q. Where are those files kept? 20 A. Oh, when I got them they were 21 kept in my office, locked up in my 22 office. 23 Q. Was there any sort of list 24 maintained either on a computer or 25 otherwise that reflected each of the</p>

<p style="text-align: right;">Page 74</p> <p>1 cases that happened in an investigation?</p> <p>2 A. When I took it over I gave the</p> <p>3 case numbers and I kept them like that,</p> <p>4 in case number. So if I pulled one and</p> <p>5 if it had to refer to another one I would</p> <p>6 refer to another case number. I took</p> <p>7 care of that, yes.</p> <p>8 Q. Okay.</p> <p>9 A. It's in a ledger on the computer.</p> <p>10 Q. Did you indicate the nature of</p> <p>11 the investigation?</p> <p>12 A. Yes.</p> <p>13 Q. And was there some --- where</p> <p>14 would this have --- what, did you have</p> <p>15 some sort of a code, a blank for a</p> <p>16 physical?</p> <p>17 A. No, it would be case number, and</p> <p>18 I had like a cover sheet for it, people</p> <p>19 involved --- basic people involved, the</p> <p>20 date it was open, who did the</p> <p>21 investigation, a real quick summary of</p> <p>22 the outcome, you know, allegations that</p> <p>23 blah blah would take out to place, real</p> <p>24 brief.</p> <p>25 Q. Did Captain Bartlett's files ---</p>	<p style="text-align: right;">Page 76</p> <p>1 35, which is also in Volume 1. It's a</p> <p>2 document dated September 19, 1994. It's</p> <p>3 from Keith Bartlett to Superintendent</p> <p>4 Wolfe.</p> <p>5 A. You said 35?</p> <p>6 Q. Exhibit 35. It's two-thirds of</p> <p>7 the way.</p> <p>8 A. Yes, I found it.</p> <p>9 Q. Okay.</p> <p>10 A. Dated September 9 --- 19th, 1994?</p> <p>11 Q. Yes, September 19th, 1994. And</p> <p>12 you're on the cc, the third name down.</p> <p>13 A. Uh-huh (yes).</p> <p>14 Q. And I'm going to ask you whether</p> <p>15 you have any recollection of receiving</p> <p>16 this memo or of the information contained</p> <p>17 in the memo?</p> <p>18 A. I remember a little bit about it.</p> <p>19 Q. Okay.</p> <p>20 ATTORNEY HALLORAN:</p> <p>21 The answer to that</p> <p>22 question about whether you saw</p> <p>23 it, do you remember something</p> <p>24 about it or do you remember</p> <p>25 seeing the memo?</p>
<p style="text-align: right;">Page 75</p> <p>1 I take it that he wasn't --- you didn't</p> <p>2 inherit his office or did you inherit his</p> <p>3 office?</p> <p>4 A. To go right into his office, no.</p> <p>5 Q. When you became the ---?</p> <p>6 A. No, I stayed over --- no, they</p> <p>7 just transferred stuff over.</p> <p>8 Q. So did they bring ongoing files?</p> <p>9 A. Anything he had.</p> <p>10 Q. So you got all of his files?</p> <p>11 A. Uh-huh (yes).</p> <p>12 Q. And were his files by the names</p> <p>13 of the accused --- I won't use the name</p> <p>14 accused, the person that was being</p> <p>15 investigated?</p> <p>16 A. He had names on it and stuff. He</p> <p>17 didn't have case numbers, he had names on</p> <p>18 them.</p> <p>19 Q. Right. For example, if Eicher</p> <p>20 was the subject of investigation would it</p> <p>21 be under E for Eicher or under Eicher?</p> <p>22 A. He'd have an envelope with the</p> <p>23 name Eicher on it. Anything having to do</p> <p>24 with Eicher would be in there.</p> <p>25 Q. Now, let me refer you to Exhibit</p>	<p style="text-align: right;">Page 77</p> <p>1 A. I remember seeing the memo.</p> <p>2 Both, I remember the memo.</p> <p>3 BY ATTORNEY KRAKOFF:</p> <p>4 Q. Now, let me refer you to Exhibit</p> <p>5 38.</p> <p>6 A. Thirty-eight (38)?</p> <p>7 Q. Yes. It's a document dated the</p> <p>8 22nd of May 1995.</p> <p>9 A. Yes, I have it.</p> <p>10 Q. It's handwritten. It's to</p> <p>11 Lieutenant Beck and it's from Laurie</p> <p>12 Donahue, CO. I'm going to ask you to</p> <p>13 review this and tell me --- you'll see</p> <p>14 there's a reference to you in there.</p> <p>15 Tell me whether you recall anything about</p> <p>16 a brief discussion with CO Donahue about</p> <p>17 this matter.</p> <p>18 A. Not right off the top of my head,</p> <p>19 no.</p> <p>20 Q. Here's something dated May 24,</p> <p>21 1995, Exhibit 39. It's from the desk of</p> <p>22 Victoria L. Meck, which I understand was</p> <p>23 the premarried name of Deputy Kormanic;</p> <p>24 is that your understanding?</p> <p>25 A. Pardon me, I'm sorry?</p>

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<p style="text-align: right;">Page 78</p> <p>1 Q. Deputy Kormanic used to be 2 referred to as Victoria Meck --- 3 A. Yes, that's correct. That's 4 correct. 5 Q. Do you recall seeing a copy of 6 this memo? 7 A. No. 8 Q. Was anything referred to you 9 either by the Deputy or by anybody else 10 during this time, this time period on or 11 about the 24th of May about allegations 12 by Robin Owens about inappropriate 13 behavior on the part of Marty Miller? 14 A. There might have been. There 15 were several investigations with --- 16 pertaining to Marty Miller. 17 Q. And then here's an Exhibit 41 18 which may refresh your recollection. 19 This is six days later on May 30th, 1995, 20 from you. Is that your signature? 21 A. Yes, it is. 22 Q. To Superintendent Wolfe? And you 23 were requesting permission to investigate 24 alleged allegations by inmate Robin Owens 25 that Marty Miller is touching inmate.</p>	<p style="text-align: right;">Page 80</p> <p>1 2nd. So I had to pick up what he did and 2 who he talked to. 3 Q. Now, can you tell --- here's 4 Exhibit 43. Can you determine by the 5 handwriting who wrote this? 6 A. It looks like Lieutenant Beck. 7 Q. And what about the next page? 8 A. Lieutenant Beck too. I'm just 9 assuming because he did the investigation 10 he would have taken the notes. 11 Q. Page three looks like his? 12 A. Yes. 13 Q. And then page four looks like 14 his? 15 A. Yes. 16 Q. Five is another document. 17 A. Yes. 18 Q. Six looks like Beck's based upon 19 the others? 20 A. Yes. 21 Q. And the same with seven? 22 A. Yes. 23 Q. So did Beck just continue --- how 24 long were you gone, a month? 25 A. I was gone a couple of weeks.</p>
<p style="text-align: right;">Page 79</p> <p>1 A. Yes, I remember that. 2 Q. And I take it from what appears 3 below is that this was approved by the 4 Superintendent; is that correct? 5 A. Yes. 6 Q. And he asked you to keep him 7 advised? 8 A. That's correct. 9 OFF RECORD DISCUSSION 10 BY ATTORNEY KRAKOFF: 11 Q. Exhibit 42. This is on the 2nd 12 of June a couple of days later. And it 13 indicates that Lieutenant Beck is the 14 investigating staff. 15 A. That's correct. 16 Q. Is this when you think --- were 17 you out of town at this time? 18 A. Yes, I was. 19 Q. And inmates involved were Diane 20 Clinton, Maryanne McGeliney, it looks 21 like, Robin Owens and then Ms. Blood, who 22 I understand was the secretary to one of 23 the ---? 24 A. I probably did this later after I 25 came back because I wasn't here on the</p>	<p style="text-align: right;">Page 81</p> <p>1 Q. When you came back, you came back 2 what the third week of June? 3 A. Yeah, it was close to that, third 4 week of June of 1995. 5 Q. Now, did you just let Beck 6 continue with it? 7 A. The Superintendent sort of gave 8 it to him, so I was out of the picture. 9 Q. And then on Exhibit 44, --- 10 A. Okay. 11 Q. --- it says remarks, closed as of 12 July 19, 1995. PDC will be held. And 13 what does PDC stand for? 14 A. Pre-disciplinary conference. 15 Q. And then Exhibit 45 is a memo 16 from Lieutenant Beck dated June 19, 1995, 17 to Superintendent Wolfe. 18 A. Yes. 19 Q. And do you recall whether you 20 reviewed any of this? 21 A. Probably more than likely, yes. 22 Q. And then --- I noted that on 23 Exhibit 46 it identified the Employment 24 Job Coordinator as, I think that's M. 25 Lazenby?</p>

<p style="text-align: right;">Page 82</p> <p>1 A. Marsha Lazenby.</p> <p>2 Q. Is that your wife?</p> <p>3 A. That's correct.</p> <p>4 Q. And then now we're at Exhibit 47,</p> <p>5 where it's September, the 13th of</p> <p>6 September of '95. And I note that this</p> <p>7 is from Martin Miller to Deputy Kormanic</p> <p>8 and it's cc'd to Lieutenant Beck. And</p> <p>9 then is that reviewed by, is that</p> <p>10 Lieutenant Maulo, M-A-U-L-O, or can't you</p> <p>11 tell? I don't know if --- it might not</p> <p>12 be Lieutenant.</p> <p>13 A. It's lieutenant. It may be</p> <p>14 Lieutenant Manski. I'm trying to think.</p> <p>15 Yeah, 350. It could be Lieutenant</p> <p>16 Manski, M-A-N-S-K-I.</p> <p>17 Q. And then 48, this concerns</p> <p>18 allegations of lipstick on Martin</p> <p>19 Miller's pants.</p> <p>20 A. Yes.</p> <p>21 Q. Do you recall anything about</p> <p>22 those allegations?</p> <p>23 A. Yes.</p> <p>24 Q. And this is dated the 1st of</p> <p>25 October '95, Exhibit 48.</p>	<p style="text-align: right;">Page 84</p> <p>1 A. Yes.</p> <p>2 Q. And this is CO Mitchell.</p> <p>3 A. Uh-huh (yes), yes.</p> <p>4 Q. What is the first name of</p> <p>5 Mitchell; do you know?</p> <p>6 A. Carla.</p> <p>7 Q. Carla Mitchell. Okay. This is</p> <p>8 to you. I'd like you to review this and</p> <p>9 tell me whether you remember receiving</p> <p>10 this?</p> <p>11 A. I believe I did.</p> <p>12 Q. Now, here CO Mitchell is telling</p> <p>13 you about --- she received, that Mika</p> <p>14 Carter, inmate OC6903, had received a</p> <p>15 misconduct from Marty Miller and that</p> <p>16 while she was venting this to Mitchell,</p> <p>17 Carter informed Mitchell that she planned</p> <p>18 to tell everything Miller had been doing</p> <p>19 with Jackson OC4895.</p> <p>20 A. Johnson.</p> <p>21 Q. Johnson, sorry. And it says, I</p> <p>22 believe she has in mind to cause some</p> <p>23 grief. I advised her not to take these</p> <p>24 actions. And if this is true she should</p> <p>25 have contacted you. She could wind up</p>
<p style="text-align: right;">Page 83</p> <p>1 A. Yes. Yes, I do.</p> <p>2 Q. What do you recall?</p> <p>3 A. Somebody that we'd heard or</p> <p>4 somehow would come to my office or come</p> <p>5 through the Superintendent and he'd come</p> <p>6 out of one of the buildings here and</p> <p>7 there was something red on his pants.</p> <p>8 Q. Near his crotch, I guess it's</p> <p>9 called?</p> <p>10 A. Crotch, that's correct. We could</p> <p>11 never get anything to it because when we</p> <p>12 went to talk to the inmates --- he said</p> <p>13 it was paint. He brushed it off. And</p> <p>14 when you talked to inmates, if I remember</p> <p>15 right, he went in, came out and it was</p> <p>16 gone. And my questioning was, was the</p> <p>17 crotch area wet where he might have been</p> <p>18 scrubbing it off and they were saying no.</p> <p>19 If it was lipstick you would have to</p> <p>20 scrub it off. So it was another dead end</p> <p>21 alley we went down.</p> <p>22 Q. Let me refer you to Exhibit 49,</p> <p>23 which is dated the 2nd of October of '95,</p> <p>24 the day after apparently these</p> <p>25 allegations surfaced.</p>	<p style="text-align: right;">Page 85</p> <p>1 paying consequence.</p> <p>2 Do you recall what, if anything,</p> <p>3 --- whether you responded to CO Mitchell</p> <p>4 or whether you took any action to --- any</p> <p>5 steps to interview Mika Carter?</p> <p>6 A. I'm trying to think. That was</p> <p>7 probably part of that same time we</p> <p>8 started the investigation. It was all,</p> <p>9 you know, done up around the same time</p> <p>10 period, looking at all these dates and</p> <p>11 stuff. I wouldn't call Ms. Mitchell</p> <p>12 back. I mean, I don't reply to her,</p> <p>13 unless there was something else I wanted.</p> <p>14 Q. Your chain of command would be</p> <p>15 through --- on down to Lieutenant ---?</p> <p>16 A. Yeah, if it's something that she</p> <p>17 doesn't have proof, you know. I don't</p> <p>18 remember the details exactly but this was</p> <p>19 all part of the investigation about that</p> <p>20 time of Marty Miller.</p> <p>21 Q. Now, were you at all concerned at</p> <p>22 the time that Mitchell had advised Mika</p> <p>23 Carter not to tell everything Miller had</p> <p>24 been doing with Johnson?</p> <p>25 A. I don't remember the details, the</p>

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<p style="text-align: right;">Page 86</p> <p>1 particulars, no.</p> <p>2 Q. As you read this now, does this</p> <p>3 raise any concerns in your mind that an</p> <p>4 officer is telling the inmate ---?</p> <p>5 A. No, because I probably called the</p> <p>6 inmate in. If I had the inmate, I'd call</p> <p>7 her in. I wouldn't ---.</p> <p>8 Q. I'm sorry. I'm confused.</p> <p>9 A. I would have called the inmate in</p> <p>10 anyway and talked to the inmate.</p> <p>11 Q. You?</p> <p>12 A. Yes.</p> <p>13 Q. Well, that's what I asked. Did</p> <p>14 you call this inmate in?</p> <p>15 A. Probably, if there's a thing in</p> <p>16 here. There's probably a statement form,</p> <p>17 something in here, if I talked to her or</p> <p>18 if she talked to me. A lot of times they</p> <p>19 would say stuff to other staff members</p> <p>20 and then when you call them they'd say,</p> <p>21 that's not what I told the officer.</p> <p>22 That's not true. I never said that to</p> <p>23 the officer.</p> <p>24 Q. But I guess my question to you</p> <p>25 is, Mitchell is telling Carter that she</p>	<p style="text-align: right;">Page 88</p> <p>1 ATTORNEY HALLORAN:</p> <p>2 But you did testify that</p> <p>3 you would have interviewed ---?</p> <p>4 A. Yes, I would have interviewed the</p> <p>5 inmate.</p> <p>6 BY ATTORNEY KRAKOFF:</p> <p>7 Q. You don't know whether you did?</p> <p>8 A. There would be an --- a witness</p> <p>9 statement somewhere in here that I</p> <p>10 interviewed her, talked to her, some kind</p> <p>11 of notes. Again, you hear this stuff and</p> <p>12 you go to the inmate and they say no, I</p> <p>13 never told the officer that. And that's</p> <p>14 about the end of it. You can't force</p> <p>15 them to ---.</p> <p>16 Q. I might be wrong but I don't</p> <p>17 think we have any statements from Ms.</p> <p>18 Carter or anything indicating that you</p> <p>19 had attempted to interview her and she</p> <p>20 refused to talk. But in any event ---</p> <p>21 well here is something. Exhibit 50</p> <p>22 concerns Carter.</p> <p>23 A. Yes, she's talking about rumors.</p> <p>24 Ms. Carter is talking about rumors that</p> <p>25 she'd heard.</p>
<p style="text-align: right;">Page 87</p> <p>1 shouldn't take these actions. You know,</p> <p>2 she shouldn't tell everything that Miller</p> <p>3 has been doing with Johnson. And then</p> <p>4 saying, well, she should come to you.</p> <p>5 ATTORNEY HALLORAN:</p> <p>6 I'm going to object to</p> <p>7 the form. What Mitchell said is</p> <p>8 written down on this letter. And</p> <p>9 I think you can't take it out of</p> <p>10 context. You know, he's saying,</p> <p>11 Mitchell, she's saying that she</p> <p>12 has a mind to cause some grief</p> <p>13 which sounds like she's</p> <p>14 questioning the veracity. And</p> <p>15 she says, if this is true, she</p> <p>16 should have contacted you, which</p> <p>17 is Lazenby.</p> <p>18 BY ATTORNEY KRAKOFF:</p> <p>19 Q. I take it you weren't concerned</p> <p>20 when you read this letter about what</p> <p>21 Mitchell had written?</p> <p>22 A. Not right off the top of my head</p> <p>23 ---</p> <p>24 Q. Okay.</p> <p>25 A. --- because I would have ---.</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. Right.</p> <p>2 A. Again, they're rumors.</p> <p>3 Q. Now, here is Exhibit 51. This</p> <p>4 indicates that you were --- I suppose</p> <p>5 that both you and Deputy Kormanic,</p> <p>6 according to this, were to receive a copy</p> <p>7 of this report; is that right?</p> <p>8 A. That's what it looks like. But</p> <p>9 again they always --- sometimes they</p> <p>10 would do them and they would put the</p> <p>11 stuff on but they never cc'd you, for</p> <p>12 whatever the reasons.</p> <p>13 Q. Right. Do you have a</p> <p>14 recollection of ever having reviewed this</p> <p>15 document?</p> <p>16 ATTORNEY HALLORAN:</p> <p>17 Are you talking about</p> <p>18 Exhibit 51?</p> <p>19 ATTORNEY KRAKOFF:</p> <p>20 Fifty-one (51).</p> <p>21 BY ATTORNEY KRAKOFF:</p> <p>22 Q. This is where Sargent Gross</p> <p>23 (phonetic) ---</p> <p>24 A. I remember ---</p> <p>25 Q. --- related some rumors about the</p>

<p style="text-align: right;">Page 90</p> <p>1 ---.</p> <p>2 A. --- about the lipstick and stuff,</p> <p>3 yes. I must have ---- I got it</p> <p>4 somewhere. I'm too particular about ----</p> <p>5 Q. What about his allegedly bringing</p> <p>6 cigarettes to Sylvia Vasquez?</p> <p>7 A. We heard about it. Again, we</p> <p>8 interviewed Sylvia Vasquez. I believe I</p> <p>9 talked to her and she denied it all.</p> <p>10 Q. And then said, had inmate Mika</p> <p>11 Carter taking messages to an inmate,</p> <p>12 Aleshia Johnson. And then, here's</p> <p>13 Exhibit 52. If you can look at this and</p> <p>14 tell me whether you have a recollection</p> <p>15 of receiving and reading this?</p> <p>16 A. Yes.</p> <p>17 Q. Okay.</p> <p>18 A. Yes, it's about the lipstick and</p> <p>19 how he brushed it off.</p> <p>20 Q. Right. Miller says in this,</p> <p>21 you'll see in the next to the last</p> <p>22 paragraph he says, the lipstick wouldn't</p> <p>23 have, I think he was saying, wouldn't</p> <p>24 have brushed off, as I prove to Captain</p> <p>25 Lazenby and Lieutenant Beck.</p>	<p style="text-align: right;">Page 92</p> <p>1 A. Yeah.</p> <p>2 BY ATTORNEY KRAKOFF:</p> <p>3 Q. Miller is saying --- Miller is</p> <p>4 indicating in a memo to you that he had</p> <p>5 proven to you that lipstick wouldn't have</p> <p>6 rubbed off. Is he telling --- is he</p> <p>7 being honest when he says in this memo to</p> <p>8 you that he had proven that to you and to</p> <p>9 Lieutenant Beck?</p> <p>10 A. Well, common sense ---.</p> <p>11 ATTORNEY HALLORAN:</p> <p>12 We object. The witness</p> <p>13 previously testified with regard</p> <p>14 to the same question, that the</p> <p>15 witnesses who said they saw the</p> <p>16 red stuff on his trousers said it</p> <p>17 was gone, I can't remember what</p> <p>18 time frame it was, moments later</p> <p>19 and there was no sign of wet, you</p> <p>20 know, that it had been rubbed off</p> <p>21 or wiped off.</p> <p>22 ATTORNEY KRAKOFF:</p> <p>23 Right.</p> <p>24 BY ATTORNEY KRAKOFF:</p> <p>25 Q. But in here, I don't know what he</p>
<p style="text-align: right;">Page 91</p> <p>1 Do you recall Miller kind of</p> <p>2 showing you how, you know, whatever it</p> <p>3 was on there that he had brushed it off?</p> <p>4 A. I think so. I think he went</p> <p>5 something like this (indicating).</p> <p>6 Q. So was the red stuff still on his</p> <p>7 ---?</p> <p>8 A. No, this was all --- this was</p> <p>9 days later after it took place.</p> <p>10 Q. Right.</p> <p>11 A. This took place on Friday the</p> <p>12 29th. And I don't know when we</p> <p>13 interviewed him, something like that.</p> <p>14 Q. Well how did he prove to you ---</p> <p>15 did he prove to you that lipstick</p> <p>16 wouldn't have rubbed off by putting</p> <p>17 lipstick on something?</p> <p>18 A. No.</p> <p>19 Q. Well, how did he prove ---?</p> <p>20 A. Well, he said ---.</p> <p>21 ATTORNEY HALLORAN:</p> <p>22 Wait a minute, this is</p> <p>23 his statement.</p> <p>24 ATTORNEY KRAKOFF:</p> <p>25 I know that.</p>	<p style="text-align: right;">Page 93</p> <p>1 means by that, he proved this to you. Do</p> <p>2 you recall, did he just tell you</p> <p>3 something or did he run an experiment?</p> <p>4 ATTORNEY HALLORAN:</p> <p>5 Well, do you know what he</p> <p>6 means by it?</p> <p>7 A. Well, I'm thinking ---.</p> <p>8 BY ATTORNEY KRAKOFF:</p> <p>9 Q. Well do you recall what he did?</p> <p>10 A. I'm thinking he brushed it off.</p> <p>11 But what he was trying to conceive (sic)</p> <p>12 to me, is the same thing that I took,</p> <p>13 that if somebody put lipstick on you, it</p> <p>14 doesn't brush off.</p> <p>15 Q. Right.</p> <p>16 A. It would have to be scrubbed off.</p> <p>17 Q. Right. But you weren't there</p> <p>18 when he brushed something off, were you?</p> <p>19 A. No.</p> <p>20 Q. And he didn't show you --- did he</p> <p>21 show the pants?</p> <p>22 A. No.</p> <p>23 Q. So you don't know whether, in</p> <p>24 fact, it was lipstick or not?</p> <p>25 A. Just by what the other inmate</p>

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<p style="text-align: right;">Page 94</p> <p>1 said.</p> <p>2 Q. And who was the other inmate?</p> <p>3 A. I'd have to go back in here and</p> <p>4 look in here. There has to be --- I</p> <p>5 think we brought it up and asked. I</p> <p>6 think I asked Sylvia Vasquez or I asked</p> <p>7 somebody about when he came out of the</p> <p>8 restroom, were his pants wet in the</p> <p>9 front, did he look like he had scrubbed</p> <p>10 it off. If, I believe, my memory serves</p> <p>11 me correctly, they're saying, no. He</p> <p>12 went in the restroom and came out and it</p> <p>13 was gone.</p> <p>14 Q. Now, this medical problem that he</p> <p>15 advised you of, did he tell you, was that</p> <p>16 impotence?</p> <p>17 A. Yes, that's what he ---.</p> <p>18 Q. That he claimed?</p> <p>19 A. That's what he claimed.</p> <p>20 Q. Then Exhibit 53.</p> <p>21 A. Yes.</p> <p>22 Q. This is from you to Wolfe. And I</p> <p>23 guess that Miller, on the --- you were</p> <p>24 saying that on the 3rd, Miller had</p> <p>25 approached you; is that right?</p>	<p style="text-align: right;">Page 96</p> <p>1 we didn't open the day --- the day that</p> <p>2 we opened this institution with a policy</p> <p>3 that said maintenance people never be</p> <p>4 alone.</p> <p>5 Q. Was there a written policy?</p> <p>6 A. Later on that?</p> <p>7 Q. Yeah.</p> <p>8 A. I believe there is. I'm not sure</p> <p>9 though.</p> <p>10 Q. And do you know who established</p> <p>11 that policy?</p> <p>12 A. It probably came from the</p> <p>13 Superintendent's office.</p> <p>14 ATTORNEY KRAKOFF:</p> <p>15 Well, if there is such a</p> <p>16 policy, I'd like to receive a</p> <p>17 copy of it.</p> <p>18 BY ATTORNEY KRAKOFF:</p> <p>19 Q. Is it possible that policy was</p> <p>20 established after October of '95?</p> <p>21 A. The time frames, I couldn't ---.</p> <p>22 Q. So in answer to that, it is</p> <p>23 possible?</p> <p>24 A. It is possible.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 95</p> <p>1 A. Yeah. Evidently, yes.</p> <p>2 Q. And what did you mean you had</p> <p>3 been approached by Miller concerning this</p> <p>4 allegation?</p> <p>5 A. Uh-huh (yes).</p> <p>6 Q. And did he come to your office?</p> <p>7 A. Probably, more than likely.</p> <p>8 Q. I noted in the second paragraph</p> <p>9 he said he was --- you note that Miller</p> <p>10 said, quote, he was alone with an inmate</p> <p>11 when he removed the urinal. And then it</p> <p>12 goes on from there to say there was</p> <p>13 nothing more to it.</p> <p>14 Was there a policy to your</p> <p>15 knowledge at the institution against</p> <p>16 maintenance personnel being alone with an</p> <p>17 inmate?</p> <p>18 A. In October, there probably was.</p> <p>19 Q. When did that come into effect?</p> <p>20 Let me ask you this. Had there once been</p> <p>21 a time in the institution when there was</p> <p>22 no such policy?</p> <p>23 A. When we opened it, sure. This</p> <p>24 was a new institution, so we grew and</p> <p>25 learned things. And, you know, I'm sure</p>	<p style="text-align: right;">Page 97</p> <p>1 A. Again, maybe it was ---.</p> <p>2 Q. You sought permission to close</p> <p>3 the investigation, ---</p> <p>4 A. That's correct.</p> <p>5 Q. --- saying that this was just</p> <p>6 another inmate rumor with no evidence to</p> <p>7 substantiate the claims?</p> <p>8 A. That's correct.</p> <p>9 ATTORNEY KRAKOFF:</p> <p>10 I could not read this</p> <p>11 Exhibit 54. If you have a</p> <p>12 better, if you can mark that</p> <p>13 down. If you have a better ---</p> <p>14 this is a document dated</p> <p>15 10/11/95. It's from Michael</p> <p>16 Miller to Deputy Kormanik. I</p> <p>17 would appreciate a more legible</p> <p>18 --- plus part of the line is cut</p> <p>19 off.</p> <p>20 BY ATTORNEY KRAKOFF:</p> <p>21 Q. This seems to say that Miller was</p> <p>22 allegedly bringing in gifts of cigarettes</p> <p>23 to Vasquez, that he brought in two cans</p> <p>24 of perfumed powder. Then three, Inmate</p> <p>25 White saw Mr. Miller kiss Inmate Vasquez</p>

<p style="text-align: right;">Page 98</p> <p>1 on the cheek.</p> <p>2 Do you recall receiving a copy of</p> <p>3 this document?</p> <p>4 A. Not right off the top of my head,</p> <p>5 no.</p> <p>6 Q. Do you recall any of those</p> <p>7 allegations?</p> <p>8 A. Yes. Yes I do.</p> <p>9 Q. Do you recall being aware of</p> <p>10 those allegations more or less</p> <p>11 contemporaneous with the date on this</p> <p>12 memo, October 11, 1995?</p> <p>13 A. I believe so.</p> <p>14 Q. And in this next document Exhibit</p> <p>15 55, is dated October 12, '95. This has</p> <p>16 Lieutenant Scott --- the name Lieutenant</p> <p>17 Scott on the upper left hand corner. Can</p> <p>18 you tell whether this is a document ---</p> <p>19 are you familiar with Lieutenant Scott's</p> <p>20 printing?</p> <p>21 A. Yes.</p> <p>22 Q. Does this appear to be in his</p> <p>23 ---?</p> <p>24 A. It's a her. No, this is mine.</p> <p>25 That means Lieutenant Scott was present</p>	<p style="text-align: right;">Page 100</p> <p>1 A. Well, it looks like it's --- boy,</p> <p>2 it's hard reading my writing. Talked</p> <p>3 about this before with Captain Bartlett.</p> <p>4 I'm referring to Marty Miller. Claims</p> <p>5 back in '94, late. Gave it to Mr. Miller</p> <p>6 --- gave it to Mr. Miller, Avon powder.</p> <p>7 She got rid of it. And evidently they</p> <p>8 gave it to Pelman and she got rid of it.</p> <p>9 No idea why he gave it them. He asked</p> <p>10 and brought it in. Claims he has --- has</p> <p>11 headphones belonging to inmate at home to</p> <p>12 fix Jafka. Again --- evidently I put the</p> <p>13 big hearsay, so nothing is factual.</p> <p>14 Q. Is that McCaffey (phonetic), or</p> <p>15 you said Jafka?</p> <p>16 A. It looks like McCaffey.</p> <p>17 Q. Okay.</p> <p>18 A. Cigarettes. He has ---.</p> <p>19 Q. What is that saying also about</p> <p>20 --- what is that?</p> <p>21 A. Also about cigarettes.</p> <p>22 Q. Okay.</p> <p>23 A. Again, you have to remember he</p> <p>24 has pics of inmates --- he has pics ---</p> <p>25 I'm probably talking about friends or</p>
<p style="text-align: right;">Page 99</p> <p>1 when I talked to Inmate White.</p> <p>2 Q. I see. So this is yours?</p> <p>3 A. Yes, it is.</p> <p>4 Q. Okay.</p> <p>5 A. They're just notes.</p> <p>6 Q. So this phase of the</p> <p>7 investigation of Miller or this new</p> <p>8 investigation of Miller --- this was a</p> <p>9 new investigation?</p> <p>10 A. Yeah, because we had already</p> <p>11 stopped the one in October 4th, when Mike</p> <p>12 Miller came out with his incident report</p> <p>13 ---</p> <p>14 Q. Right.</p> <p>15 A. --- dated the 10th.</p> <p>16 Q. Right. And then this one you</p> <p>17 were conducting; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. Was Lieutenant Beck involved as</p> <p>20 well?</p> <p>21 A. Not that I remember, no.</p> <p>22 Q. And why don't you tell me --- I</p> <p>23 think I can read most of this, but I'm</p> <p>24 not sure. Can you just read this to me,</p> <p>25 please?</p>	<p style="text-align: right;">Page 101</p> <p>1 people he likes, of inmates who he talks</p> <p>2 about. Upset --- something --- somebody</p> <p>3 was upset. Evidently White was upset</p> <p>4 about a pay raise that Marty Miller</p> <p>5 didn't get or Marty Miller didn't give it</p> <p>6 to her. Not sexual at this time. So</p> <p>7 evidently it was --- and it claims that</p> <p>8 ---</p> <p>9 Q. What is this, talked about last</p> <p>10 time she talked about Marty Miller? I</p> <p>11 don't understand?</p> <p>12 A. I'd have to go back and look.</p> <p>13 Q. Okay.</p> <p>14 A. Claims that he's still touching</p> <p>15 inmate Jackson, and asked Jackson if he</p> <p>16 could touch her. No one comes to tell</p> <p>17 because she feels no one cares.</p> <p>18 Q. No one comes to tell because she</p> <p>19 feels no one cares. What did that mean?</p> <p>20 A. Evidently, Jackson didn't come</p> <p>21 forward to say anything because --- White</p> <p>22 claims that Jackson wouldn't come to</p> <p>23 anybody because nobody cared. These are</p> <p>24 all hearsay, again, by other inmates.</p> <p>25 Q. By nobody cared, did you</p>

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<p style="text-align: right;">Page 102</p> <p>1 understand that to mean staff or inmates?</p> <p>2 A. Could be both.</p> <p>3 Q. What about the second page of</p> <p>4 Exhibit 55?</p> <p>5 A. This is from White. This is her</p> <p>6 ---.</p> <p>7 Q. Is that your signature? Did you</p> <p>8 witness this?</p> <p>9 A. I witnessed this. That's in her</p> <p>10 handwriting that she --- that her boss</p> <p>11 treats people unfairly and she talks</p> <p>12 about favoritism to other inmates. And</p> <p>13 this is all hearsay.</p> <p>14 Q. She says, I received an inmate</p> <p>15 powder?</p> <p>16 A. Yeah, and this is hearsay.</p> <p>17 Q. What does that mean? Do you</p> <p>18 know?</p> <p>19 A. I have seen Marty Miller act out</p> <p>20 favoritism. Meaning he brings --- what</p> <p>21 she's talking about ---</p> <p>22 Q. I see.</p> <p>23 A. --- she's heard that Marty Miller</p> <p>24 brings in other stuff, if I'm reading</p> <p>25 this right.</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Exhibit 56. Do you recall</p> <p>2 receiving this?</p> <p>3 A. Probably, yes.</p> <p>4 Q. This is not dated. Do you</p> <p>5 recall, was this during more or less the</p> <p>6 same time period in October of '95?</p> <p>7 A. Probably, yes. That's what it</p> <p>8 sounds like reading this. It's talking</p> <p>9 about White and Johnson, everything else.</p> <p>10 That's what was talked about before. So</p> <p>11 I'm just assuming yes.</p> <p>12 Q. And in here; is this Auxier's</p> <p>13 writing?</p> <p>14 A. I have no idea ---.</p> <p>15 Q. As far as you know?</p> <p>16 A. As far as I know, yes. As far as</p> <p>17 I know, it's her writing. I don't know</p> <p>18 what her writing looks like.</p> <p>19 Q. Concerning sexual activity</p> <p>20 between him and inmates or his crew. Did</p> <p>21 you talk with Auxier about this or ask</p> <p>22 somebody to talk with her about this?</p> <p>23 A. No. I went to Johnson on this</p> <p>24 --- probably went to Johnson ---</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">Page 103</p> <p>1 Q. And then she says, I received an</p> <p>2 inmate powder</p> <p>3 ATTORNEY HALLORAN:</p> <p>4 I don't think that's what</p> <p>5 that says.</p> <p>6 ATTORNEY KRAKOFF:</p> <p>7 It doesn't say ---.</p> <p>8 ATTORNEY HALLORAN:</p> <p>9 I don't think that's</p> <p>10 inmate.</p> <p>11 BY ATTORNEY KRAKOFF:</p> <p>12 Q. An Imari powder? Do you know</p> <p>13 what she is saying?</p> <p>14 ATTORNEY HALLORAN:</p> <p>15 Yes, something like that.</p> <p>16 BY ATTORNEY KRAKOFF:</p> <p>17 Q. Do you know what that means?</p> <p>18 A. No. Then she goes on, this is</p> <p>19 just hearsay, that Sylvia --- she thought</p> <p>20 he brought Sylvia stuff from outside.</p> <p>21 Again, it's all hearsay what she thinks</p> <p>22 she saw or heard.</p> <p>23 Q. And then here's from Auxier</p> <p>24 (phonetic)?</p> <p>25 A. Auxier, uh-huh (yes).</p>	<p style="text-align: right;">Page 105</p> <p>1 A. --- and asked her about it.</p> <p>2 Q. Do you recall interviewing</p> <p>3 Johnson?</p> <p>4 A. Not right off. I'd have to look</p> <p>5 and see if there's any notes in here.</p> <p>6 This here is another investigation,</p> <p>7 Exhibit 58.</p> <p>8 Q. Yeah, 58, is October 17, you were</p> <p>9 investigating. Does this mean that this</p> <p>10 is when the investigation was initiated?</p> <p>11 A. Yes.</p> <p>12 Q. And you were investigating</p> <p>13 matters ---?</p> <p>14 A. Probably --- almost like a</p> <p>15 follow-up. We finished the other one,</p> <p>16 then we got more information so we</p> <p>17 reopened another investigation.</p> <p>18 Q. When you finished the other one</p> <p>19 that we've just reviewed, had there been</p> <p>20 any conclusion one way or another?</p> <p>21 A. There was no evidence --- you're</p> <p>22 talking about the ---?</p> <p>23 Q. About the bringing in gifts?</p> <p>24 A. Yeah, there was no ---.</p> <p>25 Q. And there was no evidence</p>

<p style="text-align: right;">Page 106</p> <p>1 apparently of --- as far as you can tell, 2 there was no evidencce ---? 3 A. The first one was on that 4 lipstick and stuff. 5 Q. Right. I understand that. 6 A. And then this one, case 95-25, 7 was about the allegations about 8 contraband being brought in. 9 Q. So maybe this Auxier letter was 10 more involved with the next 11 investigation, which is the one that was 12 initiated on the 17th? I don't know. 13 Because you mentioned Commendi, Johnson, 14 Vasquez ---. 15 A. They were all like intertwined. 16 It was like one after another and they 17 were closely related. 18 Q. Did you ever meet with 19 Superintendent Wolfe or Deputy Kormanic 20 to discuss, you know, here's this Miller 21 and all of these allegations are being 22 brought up? Did you ever meet with him 23 to discuss it? 24 A. Yes. 25 Q. And when was that?</p>	<p style="text-align: right;">Page 108</p> <p>1 Staff members. 2 ATTORNEY KRAKOFF: 3 Just staff members? Is 4 that your recollection? I 5 thought it was more universal. 6 OFF RECORD DISCUSSION 7 A. What number are you on? 8 BY ATTORNEY KRAKOFF: 9 Q. Fifty-nine (59). I think you 10 said that you began to do some tapes. 11 A. Yeah. These are --- if you 12 notice it says, no, I didn't tape this. 13 They have the right not to be taped. 14 Q. What document? 15 A. Fifty-nine (59). 16 Q. Okay. Okay. 17 A. I guess everybody has the right 18 not to be taped. 19 Q. Was it routine for you to tape 20 interviews? 21 A. It would all depend on if I 22 wanted to see --- if I'm asking questions 23 that I wanted to see a response from the 24 person's face. And I want to pay 25 attention, as I was giving the directions</p>
<p style="text-align: right;">Page 107</p> <p>1 A. Probably around the same time all 2 this was all taking place. 3 Q. And what did you tell the 4 Superintendent? 5 A. Basically, that, you know, I 6 probably asked him to read --- since we 7 got more information, to reopen the case 8 again. 9 Q. Whenever you'd get --- was it 10 typical that you would speak with the 11 Superintendent rather than send him a 12 memo about reopening a case? 13 A. Sometimes, yes, sometimes. 14 Q. Okay. 15 A. Because 59 goes back and that's 16 when I started taping. I did some 17 taping. 18 Q. Now, I asked Lieutenant Bartlett 19 this morning about taping. And his 20 testimony, and Mr. Halloran can correct 21 me if I'm wrong, my recollection is that 22 he said that ordinarily he didn't tape 23 because he wasn't supposed to tape or 24 words to that effect. 25 ATTORNEY HALLORAN:</p>	<p style="text-align: right;">Page 109</p> <p>1 to see, you know, what kind of facial 2 expression and what the answer --- how it 3 come across. It all depended. 4 Q. Now, this was the interview of 5 Miller? 6 A. Yes, Marty Miller. 7 Q. And it was his option whether or 8 not to be tape recorded. Was that under 9 a union agreement or something or ---? 10 A. Probably. 11 Q. In any event that --- 12 A. I did not tape record. 13 Q. --- that was your practice? 14 A. Yes. 15 Q. And was that, as you understood 16 it, the policy of the institution that if 17 a member of the staff did not wish to be 18 taped ---? 19 A. That was my understanding, yes. 20 Q. Now, what about an inmate, what 21 was your practice with respect to taping 22 inmate interviews? 23 A. The same way. I would ask and 24 get their permission. 25 Q. Did you tape any of the --- did</p>

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<p style="text-align: right;">Page 110</p> <p>1 you tape any either alleged victims of 2 Martin Miller or witnesses? 3 A. Yes, I did. 4 Q. And who did you tape? Are you 5 able to determine from the documents? 6 A. We'd have to go back to --- 7 that's where I would have started at. 8 Q. I sec. Was it Exhibit 60? 9 A. I don't think it's in this one. 10 There were some. It's not in this book. 11 Q. Let me show you Exhibit 60. Are 12 these --- now, it says lieutenant --- on 13 the first page it says Lieutenant Scott. 14 Does that mean he was present? 15 A. That's a she. 16 Q. She was present? 17 A. Yes, she was present, yeah. 18 Q. Is this your ---? 19 A. Yes, it is. It looks like my 20 handwriting. 21 Q. And see where it says tape number 22 one. 23 A. Uh-huh (yes) 24 Q. So I take it that you --- 25 A. Taped Ortiz.</p>	<p style="text-align: right;">Page 112</p> <p>1 Q. I take it it says, Clemente and 2 then it says Vasquez? 3 A. Vasquez, yes. 4 Q. Vasquez? 5 A. Yes. 6 Q. And I take it that these are your 7 summaries of ---? 8 A. Yeah, basically as I took 9 questions, yes. Yes. 10 Q. Now, was Vasquez taped? 11 A. Yes, she was. 12 Q. And then the next page, which is 13 page four? 14 A. Yes. 15 Q. Okay. 16 A. She was also taped. 17 Q. And this was Inmate Jackson? 18 A. Yes. 19 Q. And then we come to Exhibit 61. 20 A. Yes. that would be a summary. I 21 mean, that would be my report, the 22 results of the investigation. 23 Q. And you were advising --- I know 24 this speaks for itself, but basically you 25 concluded that there was not sufficient</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. --- you taped Ortiz. And then is 2 what you wrote here, the text on the 3 first page of Exhibit 60, is that a 4 summary of what was said or is that 5 verbatim? 6 A. No, that's a summary. 7 Q. And were these tapes preserved? 8 A. Yes. Yes, they were. 9 Q. And then the next page, which is 10 page two, once again, Lieutenant Scott 11 was present? 12 A. Uh-huh (yes), yes. 13 Q. And I take it that you 14 interviewed Johnson and it was recorded? 15 A. No tape. She would not be --- 16 Q. No tape? 17 A. No. 18 Q. Oh, I see where it says no tape. 19 A. She refused to be recorded. 20 Q. And then the next page, can you 21 recognize the handwriting? 22 A. That's my handwriting. 23 Q. And this concerns a Clemente. Do 24 you remember Clemente's first name? 25 A. No.</p>	<p style="text-align: right;">Page 113</p> <p>1 evidence to --- 2 A. Yeah, that's what it looks like, 3 yes. 4 Q. --- to continue with the 5 investigation? 6 A. That's correct. 7 Q. Was the investigation closed at 8 this point; do you know? 9 A. Probably. 10 Q. In any event, as far as you were 11 concerned the case was closed unless new 12 evidence was revealed; is that right? 13 A. Yes, yes. 14 Q. And you didn't hear back --- did 15 you hear anything back from the 16 Superintendent, Wolfe? 17 A. More than likely he probably 18 called me and told me, you know, yeah, go 19 ahead and close it. Sometimes he wrote 20 on the bottom, gave me a memo and 21 sometimes he didn't. 22 Q. Now, did you Mirandize any of the 23 women. Clemente, Vasquez, Jackson, 24 Ortiz? Did I say Jackson? I meant 25 Johnson.</p>

<p style="text-align: right;">Page 114</p> <p>1 A. No, because they weren't 2 suspects. 3 Q. Do you ever recall Mirandizing 4 any of the women who were interviewed in 5 connection with the investigation of 6 Marty Miller? 7 A. No, not that I remember. Mike 8 might have, but I didn't. 9 Q. Mike? 10 A. Wolanin. 11 Q. And if --- have you ever 12 Mirandized somebody who --- a woman --- 13 Cambridge Springs inmate who you --- 14 strike that. 15 Now, Exhibit 63 appears to be a 16 document from Wolfgang, a psychologist at 17 the prison? 18 A. Yes. 19 Q. It's dated March 12, 1996. And 20 this concerned an inmate by the name of 21 Pelman? 22 A. Yes. 23 Q. And did --- do you recall 24 receiving this document? 25 A. Right off the top of my head, no.</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. Let me refer you to Exhibit 64. 2 It's the last document in the first 3 volume. And this is a memo from Keith 4 Bartlett to the Superintendent concerning 5 Pelman. And I note that you're cc'd on 6 the bottom. Do you recall receiving this 7 document? 8 A. I probably do. It looks --- like 9 I said it was around the same time 10 everything started to go back. 11 Q. Now, do you have any idea why 12 Keith Bartlett --- he was Captain of the 13 guard by this point, --- 14 A. Yes, yes. 15 Q. --- at least that's how he 16 identified himself. Do you have any idea 17 why Bartlett interviewed Pelman as 18 opposed to yourself or some other member 19 of your staff? 20 A. I might have been out of the 21 institution. And a lot of times when I 22 was out of the institution, Captain 23 Bartlett took my place, him or Lieutenant 24 Spenn or Lieutenant Beck. 25 Q. And now that we go to Exhibit 65.</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. Do you recall being apprised in 2 some other way, either directly by Ms. 3 Wolfgang --- is it Dr. Wolfgang or Ms. 4 Wolfgang? 5 A. Miss, she's not a doctor. 6 Q. Either by Ms. Wolfgang or some 7 other source that Pelman had made some 8 allegations? 9 A. Probably later on because that 10 was about the same time another 11 investigation started. 12 Q. And what did that investigation 13 concern? 14 A. That investigation started when 15 --- it was sometime in March when, I 16 think, was it Robin Phillips and 17 DiGiovoni (phonetic), stepped forward to 18 Mike Miller. And then Lieutenant Beck 19 started it because I wasn't on the 20 grounds. Then when I returned, I think 21 it had already been turned over to OPR. 22 Q. Now, what year was that? 23 A. '96. 24 Q. Was it the Spring of '96? 25 A. Yes.</p>	<p style="text-align: right;">Page 117</p> <p>1 This is a --- I don't know if there's a 2 clearer one but this is another document. 3 If there's a better copy of it, I'd 4 appreciate it, which is dated March --- 5 is that 18th? I don't know. 6 MS. KORMANIC: 7 16th, 1996. 8 BY ATTORNEY KRAKOFF: 9 Q. It's from you to Superintendent 10 Wolfe concerning Mr. Miller. Now, it 11 says, as requested --- there's no comma 12 after that, but it says, as requested, 13 Captain Bartlett investigated the 14 allegations by Pelman. It goes on from 15 there. Now, are you able to read this? 16 A. A little bit. 17 Q. Were you merely summarizing in 18 this memo what Captain Bartlett had 19 related in his memo of a day or so before 20 or were you basing this on some 21 information you personally ---? 22 A. I believe on the next page, on 23 Exhibit 66, says I evidently went to talk 24 to her and she changed her statement that 25 she had given to Captain Bartlett. When</p>

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<p style="text-align: right;">Page 118</p> <p>1 she told Captain Bartlett one thing, when 2 I pressed her for the details and stuff, 3 she decided ---. 4 Q. Well doesn't this say, changed 5 her story when pressed for a written 6 statement 3/15/96 by Captain Bartlett? 7 That says that she changed her story when 8 Captain Bartlett pressed her for an 9 investigation. If you read that 10 carefully; isn't that ---? 11 A. Well, no, it's in my notes. What 12 I'm trying to tell myself is that she 13 told Captain --- just like I said, she 14 told Captain Bartlett one thing and when 15 I went to talk to her, she told me 16 something else. She changed it. 17 Q. You're sure of that? 18 A. Yes. 19 Q. When did you interview her? 20 A. I'm trying to see if I can find 21 it in here. 22 WITNESS REVIEWS DOCUMENT 23 A. I couldn't tell you. It's not in 24 here. 25 BY ATTORNEY KRAKOFF:</p>	<p style="text-align: right;">Page 120</p> <p>1 I don't think there are --- there 2 wouldn't be any notes; is that correct? 3 A. Yeah, I stand corrected. You're 4 right. 5 Q. Now, you were basing --- when you 6 wrote, changed her story when pressed for 7 written statement 3/15/96 by Captain 8 Bartlett, were you basing that on what 9 Captain Bartlett had related in Exhibit 10 64? 11 A. Evidently. 12 Q. Do you have any recollection of 13 yourself, personally interviewing Pelman? 14 A. Not at that time. Probably a 15 couple of weeks later we talked on 16 another investigation. 17 Q. Now, if you review what Captain 18 Bartlett wrote on the 15th of 1996, the 19 memo, which is Exhibit 64, is there 20 anything in here that gave you reason to 21 believe that she had changed her 22 statement as opposed to merely saying she 23 didn't want to prepare a witness form? 24 A. It looks like he went to have her 25 write a statement and have it notarized</p>
<p style="text-align: right;">Page 119</p> <p>1 Q. Your interview notes though, as a 2 matter of custom and practice, would have 3 been in the Miller --- in the file that 4 you maintained on Miller? 5 A. Yeah. 6 ATTORNEY KRAKOFF: 7 I'd like to request 8 somebody attempt to locate notes 9 from Captain Lazenby of an 10 interview of Inmate Pelman 11 sometime after ---. 12 BY ATTORNEY KRAKOFF: 13 Q. Is that correct? Sometime after 14 the 15th of March? 15 A. I guess. Because I'm not seeing 16 ---. 17 OFF RECORD DISCUSSION 18 A. Captain Bartlett. 19 ATTORNEY KRAKOFF: 20 Right. That's what I 21 thought. 22 A. You're absolutely correct. I 23 stand corrected. 24 BY ATTORNEY KRAKOFF: 25 Q. So I withdraw the request because</p>	<p style="text-align: right;">Page 121</p> <p>1 and to submit to a polygraph. When he 2 went to go get the witness form, she 3 changed her mind. She wanted to wait 4 until she got out of jail. She said she 5 really didn't want to do this anyway, 6 quote. 7 Q. Right. 8 A. It looks like when he pressed her 9 to actually test --- you know, and it 10 happened quite a bit, when you pressed 11 somebody to actually put it in writing, 12 they'd say --- because then you could go 13 back and question. That's what it looks 14 like what happened to Captain Bartlett. 15 Q. Right. But she didn't actually 16 --- based upon what this was, Bartlett 17 wasn't telling --- wasn't saying that she 18 changed the substance of her statement. 19 She changed her mind about --- 20 A. That's correct. 21 Q. --- about giving a statement? 22 A. That's what it looks like. 23 That's exactly what it looks like. 24 Q. And there are pressures, are 25 there not, on the parts of inmates while</p>

<p style="text-align: right;">Page 122</p> <p>1 they're still in prison. Have inmates 2 expressed to you a reluctance on their 3 part to sign statements against staff 4 members accusing staff members of 5 wrongdoing, while they're still in the 6 institution? 7 A. Probably, probably. 8 Q. I mean, this isn't the first time 9 you've heard of this? 10 A. No. No, it's not. 11 Q. Now, Exhibit 70, dated March 12 25th, 1996. Here there are two inmates 13 identified. DiGiovoni ---? 14 A. Which Exhibit is that? 15 Q. I'm sorry, 70. This reflects --- 16 if you can review this, is this an 17 authorization for another investigation 18 into Miller? 19 A. Yeah, basically it's my cover 20 sheet for an investigation. It's been 21 filled out by Captain --- by Lieutenant 22 Beck this time. 23 Q. And this is to look into 24 allegations, what, from DiGiovoni and 25 from Phillips?</p>	<p style="text-align: right;">Page 124</p> <p>1 Q. And did you review Lieutenant 2 Beck's report after your return? 3 A. Yes. 4 Q. And then Exhibit 72, that's dated 5 the 28th of '96. That's another 6 authorization for investigation? 7 A. Yeah. It's another cover sheet. 8 I'm not asking --- it's just a cover 9 sheet. 10 Q. And what is the cover sheet to 11 reflect? 12 A. Basically, it gives me an idea, 13 when I open the folder, it's self- 14 explanatory, the reason for the 15 investigation, the inmates involved. It 16 gives me a quick ---. 17 Q. Is this what you were referring 18 to before? 19 A. Yes, yes, yes. 20 Q. Now, what's the significance of 21 --- what's the difference between --- 22 other than the date, between 72, you 23 know, which is a cover sheet, the same 24 inmates that's dated the 28th, and then 25 Exhibit 70, which is dated the 25th?</p>
<p style="text-align: right;">Page 123</p> <p>1 A. Yes, about Marty Miller. 2 Q. And then 71, this is a document 3 dated the 26th of March 1996. This is 4 from Lieutenant Beck to William Wolfe. 5 It's a report of investigation and you're 6 cc'd on the second page. Was this during 7 --- and then the other two pages 8 apparently are in Roger Beck's hand; do 9 you recognize it? 10 A. Yeah, it looks like his notes. 11 It looks like his handwriting notes. 12 Q. And do you --- is the reason 13 Lieutenant Beck issued this because you 14 were out --- away dealing with your 15 military responsibility? 16 A. No. Evidently --- I believe I 17 was at some kind of training because it 18 says, I advise that they would make 19 Captain Lazenby aware of this situation 20 upon his return. This is in '96. My 21 military was in late May early June of 22 1995. So I believe that I was in 23 Elizabethtown ---. 24 Q. For some training? 25 A. Yes.</p>	<p style="text-align: right;">Page 125</p> <p>1 A. One evidently involved --- a 2 staff involved. Officer Szibacker 3 (phonetic). I can't pronounce her name. 4 The other one has evidently to do with 5 the inmates. 6 Q. Okay. Okay. 7 A. So it would be like a difference 8 in looking into an officer. 9 Q. But there are still inmates 10 listed above the officer's ---? 11 A. Yeah, there were witnesses 12 involved. If you notice, it says 13 involved. 14 Q. So this is Phillips, DiGiovoni 15 and now an officer? 16 A. Uh-huh (yes). 17 Q. Okay. 18 A. Yes. 19 Q. Do you recall what the officer 20 was alleging? 21 A. That she might have been touched. 22 I'd have to --- 23 Q. And then it says, investigating 24 staff and it says, Captain ---. 25 A. It's probably me, I just didn't</p>

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<p style="text-align: right;">Page 126</p> <p>1 finish it all.</p> <p>2 Q. Is this in your ---?</p> <p>3 A. Yeah, this is in my handwriting.</p> <p>4 Q. And then Exhibit 73. Do you</p> <p>5 recognize --- this has apparently some</p> <p>6 identities redacted, but do you recognize</p> <p>7 the handwriting?</p> <p>8 A. Let me see.</p> <p>9 WITNESS REVIEWS DOCUMENT</p> <p>10 BY ATTORNEY KRAKOFF:</p> <p>11 Q. It has 12 pages and it --- the</p> <p>12 last page states, evidence in this case</p> <p>13 suggests appropriate disciplinary action</p> <p>14 be taken against Martin Miller.</p> <p>15 A. This sort of looks like</p> <p>16 Lieutenant Beck's handwriting.</p> <p>17 Q. But it's not yours?</p> <p>18 A. No. No, it's not mine, no.</p> <p>19 Q. And then Exhibit 74 is a document</p> <p>20 dated the 25th of April of '96. It</p> <p>21 reflects who attended.</p> <p>22 A. I think it's April 25th.</p> <p>23 Q. What did I say? I'm sorry. Did</p> <p>24 I say April 26th? That's all right.</p> <p>25 April 25th, 1996.</p>	<p style="text-align: right;">Page 128</p> <p>1 Captain Lazenby might be interested in.</p> <p>2 A. Yeah. And this goes back to the</p> <p>3 October, if you look at the date. This</p> <p>4 is Officer Wallawac (phonetic) it goes</p> <p>5 back to October.</p> <p>6 Q. That's right. I had this out of</p> <p>7 --- did you --- for some reason this is</p> <p>8 coming back?</p> <p>9 A. And evidently, yeah, because we</p> <p>10 did interview Carter.</p> <p>11 Q. Right. And then here's 10/4.</p> <p>12 A. This is the same note.</p> <p>13 Q. Are we replicating some of these?</p> <p>14 A. Yes, yes you are.</p> <p>15 Q. Okay.</p> <p>16 A. Yes. For a few pages, then it</p> <p>17 goes back to --- there's a few pages that</p> <p>18 are out of line.</p> <p>19 Q. Okay. Remember, I asked you</p> <p>20 about that lieutenant, M-A-N ---?</p> <p>21 A. Manski?</p> <p>22 Q. Yeah, something like that. Okay.</p> <p>23 That's not important. Exhibit 78. Do</p> <p>24 you recognize in whose hand ---?</p> <p>25 A. Yes. That looks like Lieutenant</p>
<p style="text-align: right;">Page 127</p> <p>1 This note mentions that you were</p> <p>2 in attendance. This concerned a meeting.</p> <p>3 Do you know what kind of a meeting this</p> <p>4 was?</p> <p>5 A. This is what we call a PDC, a</p> <p>6 Pre-Disciplinary Conference, where we go</p> <p>7 over what we have ---</p> <p>8 Q. Okay.</p> <p>9 A. --- with the accused.</p> <p>10 Q. I note that Deputy Utz said, due</p> <p>11 to confidentiality, no inmate or staff</p> <p>12 names will be released at this time.</p> <p>13 When we read the following statements</p> <p>14 which we received for verifying accuracy</p> <p>15 and it goes on from there. Okay.</p> <p>16 And then Exhibit 75. It says,</p> <p>17 thanks, Rich or Ryke (phonetic)?</p> <p>18 A. Ryke.</p> <p>19 Q. Is he an officer or is she an</p> <p>20 officer?</p> <p>21 A. She's an officer, yes.</p> <p>22 Q. This note, I may have some info</p> <p>23 concerning Vasquez and Marty Miller.</p> <p>24 Before Carter and Vasquez went to RHU,</p> <p>25 Carter made some allegations you and</p>	<p style="text-align: right;">Page 129</p> <p>1 Beck's.</p> <p>2 Q. And the same for page two, which</p> <p>3 is March 25th?</p> <p>4 A. Uh-huh (yes).</p> <p>5 Q. What about page three?</p> <p>6 A. Yes.</p> <p>7 Q. Four?</p> <p>8 A. Yes.</p> <p>9 Q. What about five?</p> <p>10 A. It still looks like his.</p> <p>11 Q. Six?</p> <p>12 A. That's mine.</p> <p>13 Q. Robin Phillips --- can you read</p> <p>14 that? This is dated the 27th of March.</p> <p>15 A. It says, been given a hard time</p> <p>16 by, it looks like, N. Young, which is an</p> <p>17 inmate. Doesn't feel threatened by</p> <p>18 anyone's ---.</p> <p>19 Q. What does L. Smith mean, do you</p> <p>20 know?</p> <p>21 A. I think it's another inmate.</p> <p>22 It's not a staff.</p> <p>23 Q. Okay.</p> <p>24 A. Doesn't wear a bra. Doesn't want</p> <p>25 transferred. Doesn't want involved.</p>

<p style="text-align: right;">Page 130</p> <p>1 Q. Or does that say, doesn't want 2 moved?</p> <p>3 A. Oh, I'm sorry. Doesn't want 4 moved. I'm sorry. So evidently, she was 5 in a housing unit with these two inmates 6 and they were giving her a hard time for 7 whatever the reason.</p> <p>8 Q. Do you know what she meant by 9 doesn't wear a bra?</p> <p>10 A. No, not right off.</p> <p>11 Q. And page seven, do you remember 12 --- I realize that sometimes this is 13 foolish. This is a one line thing, but 14 do you have any recollection of this? 15 There may be a reason ---.</p> <p>16 A. Well, I might've. It was around 17 the same time so more than likely, yes.</p> <p>18 Q. What about Exhibit 79; do you 19 recognize the writing? Is that yours?</p> <p>20 A. No. No, it's not. No, I don't.</p> <p>21 Q. Now, what about this, that's not 22 your ---?</p> <p>23 A. No, no.</p> <p>24 Q. Then it says effective March 25 25th, Martin Miller is not permitted to</p>	<p style="text-align: right;">Page 132</p> <p>1 A. Yeah, we didn't read that type of 2 information at roll call, no. It was 3 routine.</p> <p>4 Q. All right. And ---</p> <p>5 A. He would put out these memos and 6 ---</p> <p>7 Q. Was that to avoid embarrassment 8 or something or ---?</p> <p>9 A. I can't answer for Mike. I just 10 can't answer that. But, no, we didn't 11 announce it at roll call.</p> <p>12 Q. And then Exhibit 81, do you 13 recognize the handwriting?</p> <p>14 A. That's mine.</p> <p>15 Q. And I take it that Lieutenant 16 Miller was present?</p> <p>17 A. Evidently, yes.</p> <p>18 Q. Is this a summary?</p> <p>19 A. Yeah, it's little notes and stuff 20 that I take.</p> <p>21 Q. Was this taped?</p> <p>22 A. Evidently not, no.</p> <p>23 Q. And then what about the 4/8; do 24 you know who's that ---?</p> <p>25 A. Which one's that?</p>
<p style="text-align: right;">Page 131</p> <p>1 enter the institution until further 2 notice without the approval of my office. 3 And then it says, not to be read at roll 4 call with an explanation mark. Do you 5 know what that means? I know it means 6 not to be read, but do you know what the 7 reason is that this is not to be read?</p> <p>8 A. No. I can't answer for him.</p> <p>9 Q. Well, was it --- has it been --- 10 was it routine over the period of years 11 that you were here ---?</p> <p>12 ATTORNEY HALLORAN: 13 What Exhibit are we on? 14 ATTORNEY KRAKOFF: 15 Eighty (80). 16 OFF RECORD DISCUSSION 17 A. Yes. 18 BY ATTORNEY KRAKOFF: 19 Q. Do you know whether it was 20 routine for Superintendent Wolfe, not to 21 have this sort of information, ie, a 22 staff --- a member of the staff is not 23 permitted to enter the institution? Was 24 it routine for him not --- for that 25 information not to be read at roll call?</p>	<p style="text-align: right;">Page 133</p> <p>1 Q. I'm sorry.</p> <p>2 A. It looks like my handwriting.</p> <p>3 Q. That's the one that says 4/8/96?</p> <p>4 A. Yeah, it looks like my 5 handwriting. I'm sure it is.</p> <p>6 Q. And can you read that? Does it 7 say Pullman something?</p> <p>8 A. It's Pelman.</p> <p>9 Q. Pelman, I mean.</p> <p>10 A. Reported information, Officer 11 McQuaid, and explained about perfume to 12 Inmate J. White. See statement 4/8/97.</p> <p>13 Q. And then Exhibit 82, were you 14 involved in obtaining these statements?</p> <p>15 A. I was there with him because I 16 signed the witness sheet.</p> <p>17 Q. You witnessed; is that right?</p> <p>18 A. Yes, yes. These statements were 19 given Michael Wolanin and I witnessed it.</p> <p>20 Q. And then page 11 of this same 21 Exhibit, is that your writing?</p> <p>22 A. Yes, it is.</p> <p>23 Q. Page 13, is that your 24 handwriting?</p> <p>25 A. Yeah, that's my handwriting.</p>

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<p style="text-align: right;">Page 134</p> <p>1 Q. Now, on page 25 you will see that 2 your name is crossed out and Roger Beck, 3 Sr.'s name appears on the first two --- 4 page 25 and 26 to Miranda. These are --- 5 I don't think these --- at least one of 6 these doesn't fit here. It's the wrong 7 date, 12/30/94. Okay.</p> <p>8 While I have this, why don't I 9 ask you. There's an article that 10 appeared in the local newspaper. What is 11 that number?</p> <p>12 A. Exhibit 122.</p> <p>13 Q. Okay, 122. Were you here when I 14 was questioning Mr. Bartlett about this 15 article?</p> <p>16 A. No.</p> <p>17 Q. The long and short of it is, the 18 article --- and I'm not testifying to 19 this, I'm just trying to summarize this 20 for you, two inmates, one by the name of 21 Boyd and the other by the name of Ronka 22 Wright (phonetic) ---</p> <p>23 DEPUTY KORMANIC: 24 Boyd. 25 BY ATTORNEY KRAKOFF:</p>	<p style="text-align: right;">Page 136</p> <p>1 went after people. It's never been 2 condoned. And I believe the cameras and 3 stuff, you know --- they purchased more 4 cameras --- or they purchased cameras and 5 installed them in the maintenance area 6 during that time.</p> <p>7 Q. The maintenance area was in what 8 building?</p> <p>9 A. It's in Curry, first and second 10 floor. All three floors, I believe, they 11 installed cameras.</p> <p>12 Q. And the cameras had not existed 13 before that?</p> <p>14 A. No.</p> <p>15 Q. And what do the cameras --- what 16 are they able to --- have you ever seen 17 the cameras?</p> <p>18 A. Basically, because I left shortly 19 thereafter. Basically, they showed the 20 hallways. You could see people moving in 21 --- I believe they're in the stairwells.</p> <p>22 Q. But you would be able to see 23 whether a person or persons left the 24 hallways to go into a stairway?</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 135</p> <p>1 Q. --- Ronka Boyd and another inmate 2 by the name of Wright --- do we have her 3 name?</p> <p>4 DEPUTY KORMANIC: 5 Yvonne Wright. 6 BY ATTORNEY KRAKOFF:</p> <p>7 Q. Yvonne Wright. The reporter 8 says that Boyd and Wright said that they 9 witnessed no change in policy and 10 procedures after charges were brought 11 against employees. However, Sergeant 12 Terry Pelitere (phonetic), president of 13 the local union for officers at Cambridge 14 Springs, said changes were made. 15 Surveillance cameras were installed and a 16 policy adopted that prohibits male 17 employees from being with only one inmate 18 at a time.</p> <p>19 Now, are you aware of either of 20 those two things taking place after any 21 of the criminal prosecutions that we've 22 discussed today?</p> <p>23 A. Like how? This institution has 24 always actively --- I don't know if 25 that's the word I want to --- actively</p>	<p style="text-align: right;">Page 137</p> <p>1 Q. Is there a basement?</p> <p>2 A. Yeah, there's a basement. The 3 cameras are on all three floors.</p> <p>4 Q. And the cameras would also 5 reflect --- are there lavatories, 6 bathrooms on those floors?</p> <p>7 A. Yeah, yes, there are.</p> <p>8 Q. And I take it the cameras would 9 be able to show who enters and exits the 10 bathrooms? I don't mean inside the 11 bathrooms.</p> <p>12 A. Yes, I understand that. I 13 believe they show the hallway. I think 14 they point in both directions in the 15 hallway.</p> <p>16 Q. Were you involved in the decision 17 to purchase and install those cameras?</p> <p>18 A. I was probably asked about it.</p> <p>19 Q. Who asked you?</p> <p>20 A. It was probably the 21 Superintendent at a meeting or something. 22 I don't think, you know, it was not my 23 idea. It was ongoing.</p> <p>24 Q. What did you tell them?</p> <p>25 A. Yes, I was in favor of cameras.</p>

<p style="text-align: right;">Page 138</p> <p>1 Q. And why was that?</p> <p>2 A. You could see more. You don't</p> <p>3 have --- a staff cannot be on all floors</p> <p>4 and see everything all at once. It's</p> <p>5 just impossible. Camera helps the job.</p> <p>6 Q. Right. And do you remember when</p> <p>7 it was, what year it was that --- you</p> <p>8 said it was shortly before you left?</p> <p>9 A. I believe it was --- well, it had</p> <p>10 to be in the summer of '96, fall,</p> <p>11 somewhere around there. They were</p> <p>12 installed before I left.</p> <p>13 Q. Was it your view that this</p> <p>14 installing cameras might be able to</p> <p>15 prevent acts of sexual misconduct by</p> <p>16 staff members against inmates?</p> <p>17 A. I don't know about preventing it.</p> <p>18 Yeah, it probably would. It would help</p> <p>19 --- it's easier to see that way. You're</p> <p>20 being watched. At least there's cameras</p> <p>21 and nobody knows if somebody is watching</p> <p>22 the cameras. So you're going to be a</p> <p>23 little bit leery around a camera.</p> <p>24 Q. Right. Okay. And I did ask you</p> <p>25 about the one on one or maybe I didn't.</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. Right. But if you're the same</p> <p>2 gender ---</p> <p>3 A. Yeah.</p> <p>4 Q. --- it could be one on one?</p> <p>5 A. Yes, yes.</p> <p>6 Q. And do you know how far back that</p> <p>7 policy goes back?</p> <p>8 A. No, I don't. It goes back a</p> <p>9 ways. I couldn't tell you.</p> <p>10 Q. Is that something that existed in</p> <p>11 other institutions ---</p> <p>12 A. Yes, yes.</p> <p>13 Q. --- before you came here?</p> <p>14 A. Yes.</p> <p>15 Q. A little while back I reviewed</p> <p>16 with you a report from Ms. Wolfgang ---</p> <p>17 A. Uh-huh (yes).</p> <p>18 Q. --- concerning Inmate Pelman.</p> <p>19 Did Ms. Wolfgang ever bring to your</p> <p>20 attention or discuss in your presence any</p> <p>21 allegations of sexual exploitation or</p> <p>22 abuse she had received from Cambridge</p> <p>23 Springs inmates?</p> <p>24 A. No.</p> <p>25 Q. What about Mr. Barr, the</p>
<p style="text-align: right;">Page 139</p> <p>1 I'm getting confused as to who I asked</p> <p>2 what of. But has there ever been --- if</p> <p>3 I asked you this, I apologize, but has</p> <p>4 there ever been a policy at this</p> <p>5 institution which prohibited male</p> <p>6 employees from being with only one</p> <p>7 inmate?</p> <p>8 A. That's a department policy.</p> <p>9 Yeah, you're not supposed to be. I mean,</p> <p>10 there's times it happens but it's ---</p> <p>11 that's not the general rule.</p> <p>12 Q. Now, is that limited to cross</p> <p>13 gender or does that relate to both</p> <p>14 genders?</p> <p>15 A. No, cross genders. A male and</p> <p>16 female shouldn't --- male and male or</p> <p>17 female and female, no.</p> <p>18 Q. I'm sorry. So that I understand</p> <p>19 it, the one to one, did that relate to a</p> <p>20 male officer with a female or vice versa?</p> <p>21 A. The department policy, it's male</p> <p>22 or female or male and a female. A female</p> <p>23 inmate, a male staff member. Or if</p> <p>24 you're at a male institution, a female</p> <p>25 officer.</p>	<p style="text-align: right;">Page 141</p> <p>1 assistant to the Superintendent? I</p> <p>2 understand that he received grievance</p> <p>3 complaints from inmates. Did he ever</p> <p>4 bring to your attention the grievances he</p> <p>5 had received?</p> <p>6 A. On what?</p> <p>7 Q. In connection with allegations?</p> <p>8 A. Well, if it was allegations he</p> <p>9 would ask me --- if anything he'd go to</p> <p>10 the superintendent who would in turn</p> <p>11 shoot him down to me. He wouldn't just</p> <p>12 pick up the phone and say, I want you to</p> <p>13 look into it. No, he'd go through the</p> <p>14 Superintendent.</p> <p>15 Q. I see. Do you recall any</p> <p>16 situations where the Superintendent</p> <p>17 contacted you and said, we have a</p> <p>18 grievance complaint from an inmate</p> <p>19 alleging sexual misconduct by a member of</p> <p>20 the staff?</p> <p>21 A. I'm sure there's been one.</p> <p>22 Q. Do you think there's just been</p> <p>23 one?</p> <p>24 A. I'm --- it's happened. I have no</p> <p>25 idea what ---.</p>

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<p style="text-align: right;">Page 142</p> <p>1 Q. And on those occasions, did you 2 receive copies of the grievance 3 complaints? 4 A. If it happened, yes, I probably 5 did. Because I have to have a starting 6 point somewhere. 7 Q. I realize that authorization or 8 an order to proceed with an investigation 9 had to come from the Superintendent. Did 10 you receive --- I asked you about 11 Wolfgang and I asked you about Barr and I 12 asked you about the Superintendent and 13 Deputy Kormanik and others. Did you --- 14 were there any occasions where staff 15 members came to your office and said, in 16 effect, Captain Lazenby, I think that 17 there's a problem involving staff member 18 so and so, I think he or she may be 19 engaging in some form of sexual 20 misconduct? 21 A. Yes. In a case like that I would 22 have them make a statement. 23 Q. And where would those records be 24 when that occurred? 25 A. They would be in whatever</p>	<p style="text-align: right;">Page 144</p> <p>1 that there's a problem with so and so 2 engaging in sexual misconduct toward 3 either a specific inmate or toward 4 inmates in general? 5 A. And I have to go back and say, if 6 they did, I had them put it in writing. 7 It was like I said, the one with 8 inappropriate behavior. 9 Q. Right. 10 A. Another one with a hearsay about 11 some letters that the inmate was sending. 12 That's not sexual. I mean, it could lead 13 up to something sexual but that's not 14 what ---. 15 Q. So then you're not sure if you 16 received ---? 17 A. Not that I --- I would have some 18 --- no. 19 Q. You would have to review your 20 records? 21 A. Yeah, because I don't remember. 22 Q. Okay. 23 A. I would ask them to make a 24 statement. 25 Q. But you couldn't ask for a</p>
<p style="text-align: right;">Page 143</p> <p>1 investigation file I started. 2 Q. Do you recall specifically any of 3 the circumstances where you received 4 information from a staff member before 5 the file was open? 6 A. Yes. Yes. 7 Q. Can you recall any specific 8 instances? 9 A. One was an Officer Melnyck 10 (phonetic), approached me about an 11 officer and a Sergeant that may be doing 12 something inappropriate. 13 Q. Of a sexual nature? 14 A. Just inappropriate. No, it was 15 just inappropriate behavior. Not that I 16 can --- not right off the top of my head, 17 no. 18 Q. You can't identify it but going 19 back to my earlier questions and I'm not 20 here to put words in your mouth, but do 21 you recall any circumstances limiting it 22 to allegations of sexual misconduct? Do 23 you recall situations where a staff 24 member came to you, called you by phone 25 and said to you, Captain Lazenby, I think</p>	<p style="text-align: right;">Page 145</p> <p>1 statement, could you, until you --- would 2 you ask for a statement before you 3 contacted the Superintendent to see 4 whether there could be an investigation? 5 A. Usually. 6 Q. So you'd say give me a statement 7 and then I'll take the matter to the 8 Superintendent? 9 A. Yes, because like I said, there's 10 been times where you would hear the stuff 11 and when you say, well, put it in writing 12 it's like --- so you don't want to go off 13 half cocked on an investigation when 14 there is nothing. 15 Q. Did you feel any reluctance about 16 investigating fellow officers in 17 connection with possible sexual 18 misconduct? 19 A. Absolutely not. They're dirty 20 then they need to be cleaned out. 21 ATTORNEY KRAKOFF: 22 Now, what I'd like to do 23 is take a minute to see whether 24 there is anything additional in 25 this line. There are a few</p>

<p style="text-align: right;">Page 146</p> <p>1 questions that Angus Love wants 2 to pose. We're not --- well, 3 then the other way of doing it, 4 if you want to take the time, is 5 for me to sit down with Angus and 6 make sure that's it's clear in my 7 mind and then I'll ask those 8 questions, if you prefer it that 9 way. 10 ATTORNEY HALLORAN: 11 I prefer to do it that 12 way. 13 ATTORNEY KRAKOFF: 14 Okay. Because this is 15 about a discreet area that I 16 haven't even questioned Captain 17 Lazenby about. So we're going to 18 be here until 6:00. 19 ATTORNEY HALLORAN: 20 You are done? 21 ATTORNEY KRAKOFF: 22 I am done. And it's a 23 discreet area. It simply would 24 take me probably ten minutes to 25 prepare those questions and Angus</p>	<p style="text-align: right;">Page 148</p> <p>1 BY ATTORNEY LOVE: 2 Q. Mr. Lazenby, When was the first 3 time that you heard of any problems 4 between Lisa Lambert and Officer Raun? 5 A. Well, like I said, I told you 6 before, probably when it first took place 7 back in '93, whenever it took place. You 8 know, you hear the rumors. You hear 9 them. 10 Q. How did you first hear it? From 11 whom, what sort of thing? 12 A. I couldn't tell you. 13 ATTORNEY HALLORAN: 14 This is not a discreet 15 area. This is an area that 16 you've already been into. This 17 is not some new area. 18 ATTORNEY LOVE: 19 Jere asked him about a 20 certain meeting with Bartlett, 21 himself, Raun and Lambert. 22 That's the only part that he 23 asked him about. I'm just doing 24 a little bit more in that area. 25 A. Well, you hear stuff. When you</p>
<p style="text-align: right;">Page 147</p> <p>1 is not here to go over territory 2 that I've covered. 3 ATTORNEY HALLORAN: 4 With my right to object 5 ---. 6 ATTORNEY KRAKOFF: 7 If it's going astray then 8 we will ---. 9 ATTORNEY HALLORAN: 10 And your deposition will 11 be completed? 12 ATTORNEY KRAKOFF: 13 Right. 14 ATTORNEY HALLORAN: 15 And when you're done 16 that'll be it? 17 ATTORNEY KRAKOFF: 18 Right. I will not ask 19 any further questions. 20 SHORT BREAK TAKEN 21 ATTORNEY KRAKOFF: 22 I just want to see if 23 there's anything before I leave 24 Captain Lazenby. 25 EXAMINATION</p>	<p style="text-align: right;">Page 149</p> <p>1 do an investigation it's supposed to be 2 confidential. So it would be very 3 unprofessional for me to approach anybody 4 and say what's all this about. So you 5 just hear the stuff. 6 BY ATTORNEY LOVE: 7 Q. You heard it orally? 8 A. Yeah. I didn't see anything in 9 writing. You heard it, you know, to the 10 best of my recollection. 11 Q. Now, I just want to show you 12 Exhibit Three and see if that refreshes 13 your recollection at all. 14 A. I assume I probably --- it's to 15 me. I probably read it because it would 16 come to me. 17 Q. So would that have been the first 18 time you heard about the incident? 19 A. Well, it says reoccurring. So I 20 probably heard it before that. 21 Q. Now, there's two memos before 22 that. They're not addressed to you. I 23 think they're addressed to Mr. Leak 24 (phonetic). 25 A. Deputy Kormanik.</p>

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<p style="text-align: right;">Page 150</p> <p>1 Q. Would you have been aware of 2 those? 3 A. No, not necessarily, no. 4 Q. Now, you had indicated that you 5 had been present at a meeting between 6 Lambert, Bartlett, Raun and yourself? 7 A. Yes. 8 Q. Do you recall whether that was 9 before or after you had received that 10 information? 11 A. I'd have to find out what date 12 the meeting took place. I'm not sure 13 when the meeting took place. If you look 14 at the notes, it looks like it took place 15 after. Because there's a note in there 16 from actions taken by Captain Bartlett. 17 Q. And that was the meeting? 18 A. That's what it appears to be, 19 yes, that we met with Lisa Lambert. 20 Q. And does that refresh your 21 recollection as to any of the details of 22 that meeting? 23 A. It's hard to read. Regarding 24 something with contact of staff told her 25 not to get --- not to get personal with</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. But they often don't wear them? 2 A. If you forget it when you get 3 dressed in the morning, you forget to put 4 it on your uniform. 5 Q. I show you --- this is in the 6 Exhibit but I'm not sure exactly where. 7 I'm going to show it to your attorney 8 first on bottom couple lines, if you 9 could read those and see if that 10 refreshes your memory. This is part of 11 the investigation into Officer Raun by 12 the department in 1994. 13 ATTORNEY HALLORAN: 14 In October 1994. 15 ATTORNEY LOVE: 16 Yes. 17 A. Yeah, because I would have 18 ordered the name tags. 19 BY ATTORNEY LOVE: 20 Q. Now, does that refresh your 21 recollection regarding an incident where 22 you noticed that Officer Raun did not 23 have his name tag on? 24 A. Evidently so. 25 Q. And do you recall why he didn't</p>
<p style="text-align: right;">Page 151</p> <p>1 any staff, any further action on her part 2 will be resultant in misconduct. That's 3 what it looks like. It looks like he 4 told her she can't have any personal 5 relationship with the staff. 6 Q. He being? 7 A. It looks like Lieutenant 8 Bartlett. That's what it looks like. He 9 told her don't be getting personal with 10 our staff. If you continue to do it, 11 you're going to get a misconduct. That's 12 what it looks like by his notes. 13 Q. And do you recall that 14 conversation yourself? 15 A. No, not verbatim but that's 16 probably what was --- no, I don't 17 remember verbatim what occurred at that 18 meeting. 19 Q. Do you recall a time when you 20 noticed that Officer Raun didn't have his 21 name tag on? 22 A. No. That's not unusual for 23 officers not to have name tags on. 24 Q. They're required to? 25 A. Yes, they are.</p>	<p style="text-align: right;">Page 153</p> <p>1 have his name tag or what explanation he 2 offered? 3 A. He lost his name tag. He lost 4 the clips off the name tag of his shirt, 5 replaced it with clips on the tags of his 6 jacket. He broke the one and he used the 7 other one on his jacket. 8 Q. Do you recall that Lisa Lambert 9 alleged that the marks on her arm were 10 made by his name tag? 11 A. I wasn't involved in that, no. I 12 didn't do any investigations. 13 Q. Now, what job did your wife hold? 14 A. She was a sergeant at first and 15 then she was job placement coordinator. 16 Q. Was she ever the property 17 manager? 18 A. Yes, property sergeant. 19 Q. What would her duties had been as 20 property sergeant? 21 A. Taking packages from --- in and 22 out for the inmates. You want to ship a 23 package to an inmate, you go to her and 24 ship them out. If you were getting 25 packages then they'd come to her and she</p>

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1 searched and recorded them and give them
2 to the inmates.
3 **Q. Did she ever mention to you that**
4 **Officer Raun had given some property for**
5 **an inmate?**

6 A. No, none.

7 ATTORNEY LOVE:

8 I have nothing further.

9 ATTORNEY HALLORAN:

10 I have one question.

11 EXAMINATION

12 BY ATTORNEY HALLORAN:

13 **Q. You referred to Deposition**
14 **Exhibit Threc and there's reference to**
15 **actions taken. Is there a signature**
16 **below the note for actions taken?**

17 A. It looks like Lieutenant
18 Bartlett.

19 ATTORNEY HALLORAN:

20 Okay. Thank you. That's

21 all.

22 ATTORNEY KRAKOFF:

23 Do you want to explain
24 about waiving signature or
25 reading and all that?

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1 ATTORNEY HALLORAN:

2 We're going to not waive
3 on either one.

4 * * * * *

5 DEPOSITION CONCLUDED AT 5:55 P.M.

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